HOUSE OF REPRESENTATIVES—*Tuesday, August 2, 1988*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O God, the meaning of respect—respect for people everywhere—in every position of every background. May we see that people are entitled to our courtesy because each person is a gift of Your creation and You have breathed into every soul the very breath of life. May the unique quality of life be respected in every place from the farthest points of the Earth to our closest neighbor.

In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1467. An act to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1988, 1989, 1990, 1991, and 1992, and for other purposes;

H.R. 4585. An act to extend the authorization of appropriations for the Taft Institute through fiscal year 1991; and

H.R. 4783. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1989, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1467) "An act to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1988, 1989, 1990, 1991, and 1992, and for other purposes," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MITCHELL, Mr. BURDICK, Mr. BAUCUS, Mr. BREAUX, Mr. CHAFEE, Mr. STAFFORD, and Mr. SIMPSON to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4783) "An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1989, and for other purposes," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CHILES, Mr. BYRD, Mr. PROXMIRE, Mr. HOLLINGS, Mr. BURDICK, Mr. INOUYE, Mr. HARKIN, Mr. BUMPERS, Mr. STENNIS, Mr. WEICKER, Mr. HATFIELD, Mr. STEVENS, Mr. RUDMAN, Mr. SPECTER, Mr. MCCLURE, and Mr. DOMENICI, to be conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2530. An act to improve the management of the Federal pay system and increase efficiency and productivity of Federal employees, and for other purposes; and

S. 2560. An act to amend the Temporary Emergency Food Assistance Act of 1983 to require the Secretary of Agriculture to make available additional types of commodities, to improve child nutrition and food stamp programs, to provide other hunger relief, and for other purposes.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

CHUN WEI WONG, ET AL.

The Clerk called the bill (H.R. 2108) for the relief of Chun Wei Wong, Bic Ya Ma Wong, Wing Sing Wong, Wing Yum Wong, and Man Yee Wong.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CATHLEEN S. O'REGAN

The Clerk called the bill (H.R. 2684) for the relief of Cathleen S. O'Regan.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

HILARIO R. ARMIJO, ET AL.

The Clerk called the bill (H.R. 2682) for the relief of Hilario R. Armijo, Timothy W. Armijo, Allen M. Baca, Vincent A. Chavez, David G. Chinana, Victor Chinana, Ivan T. Gachupin, Michael J. Gachupin, Frank Madalena, Jr., Dennis P. Magdalena, Anthony M. Pecos, Lawrence A. Seonia, Jose R. Toledo, Roberta P. Toledo, Nathaniel G. Tosa, Allen L. Toya, Jr., Andrew V. Waquie, and Benjamin P. Waquie.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PINE RIDGE INDIAN RESERVATION

The Clerk called the bill (H.R. 2711) to settle certain claims arising out of activities on the Pine Ridge Indian Reservation.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

IVAN LENDL

The Clerk called the bill (H.R. 4363) for the relief of Ivan Lendl.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

JENS-PETER BERNDT

The Clerk called the bill (H.R. 446) for the relief of Jens-Peter Berndt.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REMOVING RIGHT OF REVERSION TO THE UNITED STATES IN LANDS OWNED BY THE SHRINERS' HOSPITALS FOR CRIPPLED CHILDREN

The Clerk called the Senate bill (S. 892) to remove the right of reversion to the United States in lands owned by the Shriners' Hospitals for Crippled Children on lands formerly owned by the United States in Salt Lake County, UT.

There being no objection, the Clerk read the Senate bill, as follows:

S. 892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any provision of the Act of March 14, 1946 (60 Stat. 55, Chapter 91), or any other provision of law, the Administrator of the General Services Administration, subject to receipt of the payment described in subsection (b), is authorized and directed to release by quitclaim deed to Shriners Hospitals for Crippled Children, a Colorado corporation, on behalf of the United States, any and all right of reversion held by the United States in and to the lands which were formerly owned by the United States in Salt Lake County, Utah, and which were transferred pursuant to said Act.

(b) In consideration for the quitclaim deed release described in subsection (a), Shriners Hospitals for Crippled Children shall pay to the United States the sum of $97,627.

(c) The Administrator shall fulfill the requirements of subsection (a) within sixty days of receipt of the payment provided for in subsection (b).

The SPEAKER. The question is on the passage of the Senate bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 365, nays 0, not voting 66, as follows:

[Roll No. 250]

YEAS—365

Akaka	Brown (CO)	Dingell
Alexander	Bruce	DioGuardi
Anderson	Buechner	Dixon
Andrews	Bunning	Donnelly
Annunzio	Burton	Dornan (CA)
Anthony	Bustamante	Downey
Applegate	Byron	Dreier
Archer	Callahan	Durbin
Armey	Campbell	Dwyer
Atkins	Cardin	Dymally
AuCoin	Carper	Dyson
Badham	Carr	Early
Baker	Chandler	Eckart
Ballenger	Chapman	Edwards (CA)
Barnard	Cheney	Edwards (OK)
Bartlett	Clarke	Emerson
Barton	Clement	English
Bateman	Coats	Erdreich
Bates	Coble	Espy
Bellenson	Coelho	Evans
Bennett	Coleman (MO)	Fascell
Bereuter	Coleman (TX)	Fawell
Berman	Collins	Fazio
Bevill	Combest	Feighan
Bilbray	Conte	Fields
Bilirakis	Cooper	Fish
Bliley	Coughlin	Flippo
Boehlert	Coyne	Florio
Boggs	Craig	Foglietta
Boland	Crane	Ford (MI)
Bonior	Dannemeyer	Frank
Bonker	Darden	Frenzel
Borski	Davis (MI)	Frost
Bosco	de la Garza	Gallegly
Boucher	DeFazio	Gallo
Boulter	DeLay	Gaydos
Brennan	Derrick	Gekas
Brooks	DeWine	Gephardt
Broomfield	Dickinson	Gibbons
Brown (CA)	Dicks	Gilman
Gingrich	Mavroules	Sawyer
Glickman	Mazzoli	Saxton
Gonzalez	McCandless	Schaefer
Goodling	McCloskey	Scheuer
Gordon	McCollum	Schneider
Gradison	McCrery	Schroeder
Grandy	McCurdy	Schuette
Grant	McEwen	Schulze
Guarini	McGrath	Sensenbrenner
Gunderson	McHugh	Sharp
Hall (OH)	McMillan (NC)	Shays
Hall (TX)	McMillen (MD)	Shumway
Hamilton	Meyers	Shuster
Hammerschmidt	Miller (CA)	Sikorski
Hansen	Miller (OH)	Sisisky
Harris	Miller (WA)	Skaggs
Hastert	Mineta	Skeen
Hawkins	Moakley	Slattery
Hayes (IL)	Molinari	Slaughter (NY)
Hayes (LA)	Mollohan	Slaughter (VA)
Hefley	Montgomery	Smith (FL)
Hefner	Moody	Smith (IA)
Henry	Moorhead	Smith (NE)
Herger	Morella	Smith (NJ)
Hertel	Morrison (WA)	Smith (TX)
Hiler	Mrazek	Smith, Denny (OR)
Hochbrueckner	Murphy	Smith, Robert (NH)
Holloway	Murtha	Smith, Robert (OR)
Hopkins	Myers	Snowe
Horton	Nagle	Solarz
Houghton	Natcher	Solomon
Hoyer	Neal	Spratt
Hubbard	Nelson	St Germain
Huckaby	Nichols	Staggers
Hughes	Nielson	Stallings
Hunter	Nowak	Stangeland
Hutto	Oakar	Stark
Hyde	Oberstar	Stenholm
Inhofe	Obey	Stokes
Jacobs	Olin	Stratton
Jeffords	Ortiz	Stump
Johnson (CT)	Owens (UT)	Sundquist
Johnson (SD)	Oxley	Swift
Jones (NC)	Packard	Swindall
Jontz	Panetta	Synar
Kanjorski	Parris	Tallon
Kastenmeier	Pashayan	Tauke
Kennedy	Patterson	Tauzin
Kildee	Payne	Thomas (CA)
Kolbe	Pease	Thomas (GA)
Kostmayer	Pelosi	Torres
Kyl	Penny	Torricelli
LaFalce	Pepper	Traficant
Lagomarsino	Perkins	Traxler
Lantos	Petri	Udall
Latta	Pickett	Upton
Leach (IA)	Pickle	Valentine
Lehman (CA)	Porter	Vander Jagt
Lehman (FL)	Price	Vento
Leland	Pursell	Visclosky
Lent	Quillen	Volkmer
Levin (MI)	Rangel	Walgren
Levine (CA)	Ravenel	Walker
Lewis (CA)	Ray	Watkins
Lewis (FL)	Regula	Waxman
Lewis (GA)	Rhodes	Weber
Lightfoot	Ridge	Weiss
Livingston	Rinaldo	Weldon
Lloyd	Ritter	Wheat
Lott	Roberts	Whittaker
Lowery (CA)	Robinson	Whitten
Lowry (WA)	Rodino	Wise
Lujan	Roe	Wolf
Luken, Thomas	Rogers	Wolpe
Lukens, Donald	Rostenkowski	Wyden
Lungren	Roth	Yates
Madigan	Roukema	Yatron
Markey	Rowland (CT)	Young (AK)
Marlenee	Rowland (GA)	Young (FL)
Martin (IL)	Roybal	
Martin (NY)	Sabo	
Martinez	Saiki	
Matsui	Savage	

NAYS—0

NOT VOTING—66

Ackerman	Conyers	Foley
Aspin	Courter	Ford (TN)
Bentley	Crockett	Garcia
Biaggi	Daub	Gejdenson
Boxer	Davis (IL)	Gray (IL)
Bryant	Dellums	Gray (PA)
Chappell	Dorgan (ND)	Green
Clay	Dowdy	Gregg
Clinger	Flake	Hatcher
Ireland	Mack	Schumer
Jenkins	MacKay	Shaw
Jones (TN)	Manton	Skelton
Kaptur	McDade	Spence
Kasich	Mfume	Studds
Kemp	Mica	Sweeney
Kennelly	Michel	Taylor
Kleczka	Morrison (CT)	Towns
Kolter	Owens (NY)	Vucanovich
Konnyu	Rahall	Williams
Lancaster	Richardson	Wilson
Leath (TX)	Rose	Wortley
Lipinski	Russo	Wylie

□ 1225

Mr. YOUNG of Alaska changed his vote from "nay" to "yea."

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VACATING PASSAGE OF S. 892, REMOVING RIGHT OF REVERSION TO THE UNITED STATES IN LANDS OWNED BY THE SHRINERS' HOSPITALS FOR CRIPPLED CHILDREN

The SPEAKER. Without objection, the action of the House in passing the Senate bill, S. 892, without amendment, is vacated.

The Clerk will report the amendment of the Committee on Government Operations.

The Clerk read as follows:

Committee amendment: Page 2, line 10, strike out "$97,627" and insert "$200,000 within 60 days after the date of enactment of this Act".

The SPEAKER. Without objection, the amendment is agreed to.

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COUNTRY MOVING IN POSITIVE DIRECTION WITH DUKAKIS AND BENTSEN

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COELHO. Mr. Speaker, even though Ronald Reagan still occupies the White House, we can safely say Michael Dukakis has just signed into law his first bill as President: that is, the 60-day notice requirement for plant closings and layoffs.

This law is not designed to appeal to an individual interest group, but to aid a nation undergoing massive economic change. A national plant closing law will save unemployment compensation costs and increase economic efficiency.

American history is punctuated by cycles that do not neatly fit with the calendar. Long before the President or his party understood, the pendulum began swinging back: there is more public support for an engaged govern-

ment, greater citizen compassion, less tolerance for the cruel use of corporate power, and less interest in the conservative agenda.

Because of the idealism and activism of people like Mike Dukakis and LLOYD BENTSEN, the pendulum and the country are both swinging in a new, more positive direction.

MR. DUKAKIS NEEDS TO CHECK HIS FACTS

(Mr. HYDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HYDE. Mr. Speaker, Michael Dukakis is going around the country from stop to stop making statements that are outrageously false. For example, last Saturday in Springfield, IL, he said, "You don't fight the drug war by paying $200,000 a year to a drug-running Panamanian dictator and funneling aid to the Contras through convicted drug dealers."

That statement is demagogic, uninformed, ignorant, and outrageously false.

I call upon Mr. Dukakis to ask the CIA to brief him on what the facts are, what truth is, what the relationship is and has been through many administrations with Mr. Noriega, and he will find out that what he is saying is so far from the truth as to be an embarrassment. If there was truth in that, the House Select Committee on Intelligence would surely have had a report, but they have not, and so would the Senate Committee on Intelligence.

So I call upon Mr. Dukakis to get a briefing and start knowing something about what he is talking about for a change.

□ 1230

HIGHLY OFFENSIVE RACIAL LOGOS ARE BEING USED IN JAPAN

(Mrs. COLLINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS. Mr. Speaker, I was quite surprised when I came from Chicago to find an article on my desk from the Washington Post pointing out that the Japanese had been using highly offensive racial logos on some of its products.

I was really saddened by that fact but equally saddened by the fact when I found out in a July issue of Black Enterprise that the Colgate-Palmolive Co. had been selling a toothpaste in Japan that is called Darkies and had a very stereotypical logo with that as well.

I would certainly think that our Colgate-Palmolive Co. would not have a double system of marketing. They know that these kinds of stereotypes are highly offensive to Americans who happen to be of darker skin. They also know this is a policy that we would not stand for for 1 minute in America. Yet to do so in Asia is highly offensive but I would think that they would certainly not do anything like that in the future. I hope in fact that in the future they will be much more sensitive to the needs of our people.

I think it is appropriate to point out that the Colgate Co. not only produces toothpaste and dishwashing liquid, but also Curity Cotton Balls, Curity Bandaids, Colgate Shaving Creme, Ajax Cleanser, Fresh Start Washing Powder, and so forth. I would hate to see us begin to talk about boycotting a product but perhaps that time has come.

PERSONAL EXPLANATION; H.R. 5015 HELPS PRODUCERS WHO LOST INCOME DUE TO HAIL

(Mr. COMBEST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COMBEST. Mr. Speaker, I rise today to express my support for the recently passed drought legislation, H.R. 5015. Due to unavoidable circumstances, I missed rollcall vote 249, had I been present I would have voted "yea."

This legislation provides needed assistance to farmers who have been adversely affected by the severe weather conditions in 1988. However, I also encourage members of the conference committee to retain a measure which would provide help to those producers who lost most, if not all their crop in 1987 due to hail.

I compliment the chairman of the House Agriculture Committee for his expeditious handling of this important legislation. Because of his leadership, many farmers who will be facing a financial crisis in the upcoming months, will now be able to maintain their operations until the next planting season.

This legislation is not only important to the producers of our food and fiber, but to the rural towns and communities who depend on the farmer for their well-being. Although it is uncertain what the total crop loss will be, I believe this body has taken a step in the right direction toward helping those in true need while at the same time sending a signal to the farmer that he has not been forgotten.

REQUIRING PERIODIC PUBLICATION OF PAC INFORMATION

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, today I introduced a bill which would require periodic publication of information about political action committees.

Under my bill, the Clerk will compile and print in the CONGRESSIONAL RECORD at the end of each calendar quarter certain information about political action committees—the committee name, its sponsorship, the money it received, and the money it spent. This requirement is not a great burden, since this information is regularly provided to the Federal Elections Commission.

The bill will help the public to stay informed about the activities of political action committees. Although it is true that these committees file comprehensive reports with the Federal Elections Commission, it is not true that the average citizen has the means or the knowledge to make use of those reports.

PAC reports are also available by subscription or on a per copy basis from commercial interests—but I don't believe that our citizens should have to pay for information which the Government owns and which is important for every voter to have.

By publication in the CONGRESSIONAL RECORD, we will make this information available in every public library, where citizens can find out about these committees which operate largely from Washington, but which influence elections everywhere.

As Thomas Jefferson said, "eternal vigilance is the price of liberty." Americans need to know everything possible about the activities of groups which seek to influence elections and public policy.

This bill will help make that information available to all of our citizens.

"BUZ" LUKENS SUPPORTS DOD AUTHORIZATION VETO

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, last week the liberal Democrats and their liberal nominee, Mike Dukakis, in Atlanta at the Democratic National Convention passed a platform with no platform. This week they will try to pass a defense bill with no defense.

Mr. Speaker, I, along with 135 of my colleagues from the Republican Study Committee, strongly support a veto of H.R. 4264, the Department of Defense Authorization Act for Fiscal Year 1989.

The bill is a partisan tribute to liberal democratic ideals. The Wall Street Journal editorial called this bill "the kind of slash and burn performance that's earned the Democrats their reputation for defense weakness."

First of all, this bill reduces SDI research funding by $800 million. We will be eliminating the most vital defense insurance policy the United States has.

Second, H.R. 4264 reduces the MX Rail Garrison Program funding by $543 million, thus endangering our strategic modernization program.

Third, the bill offers short-sighted arms control provisions which will tie our hands in negotiations with the Soviets. Essentially, the Democrats in Congress are giving away all of our bargaining chips—seriously weakening our position in arms control talks.

This bill is a product of the new Dukakis-Democrats. Just as they wrote a party platform with no platform, they are trying to write a defense bill with no defense.

I strongly urge the President to veto the defense authorization bill. Although Ronald Reagan has created a safer world, the world will not remain safe if America is not strong.

PLAYING POLITICS WITH NATIONAL SECURITY

(Mr. AuCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AuCOIN. Mr. Speaker, Republicans who would like to play politics with national security by urging the President to veto the defense bill offer two basic reasons. First, they want to spend more money on star wars. Second, they object to the bill's joint United States-Soviet flight test moratorium on low-flying quick-attack depressed trajectory missiles. What irony. Depressed trajectory missiles are terrific countermeasures to SDI and the Soviets know it. The top Russian missile designer even said so in Jane's Defense Weekly. So a defense bill veto would be a perfect illustration of Republican defense "genius." With one hand, Reagan and BUSH would throw money at star wars and with the other they would give the Russians the means to neutralize star wars at a fraction of the cost.

When GEORGE BUSH sets out to justify this to the American people, he will face an impossible challenge. That would cause me no discomfort, but for the sake of national security, I urge the President to be a President, not a politician and sign the national defense bill.

DEXTER MANLEY HAPPY, BUT OTHERS OUTRAGED BY NFL DECISION

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, the Washington Post's Tony Kornheiser wrote last week about the 30-day suspension of Dexter Manley for drug use—"He won't be required to have inpatient treatment at a drug and alcohol rehab center. He won't have to miss any games. He won't even have to miss his radio and TV gigs. All he has to miss is training camp. That's the goal of every veteran." Mr. Manley's response was that he was happy with the decision. Why shouldn't he be?

I have been urging my constituents to develop a climate of national anger with the drug users of this country.

The fans should insist that the NFL not tolerate drug abuse. If we are going to stop drug abuse in this Nation we have to focus on the user and make him accountable for his own actions.

Instead, local broadcasters laugh at the suspension, Dexter Manley continues in a very visible role in broadcasts, and young kids see a role model who has used drugs, pictured as a hero. The NFL should be ashamed; the rest of us should be outraged.

GOOD LUCK IN COURT, CARL ROWAN

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, everybody is taking pot shots at columnist Carl Rowan. I disagree.

In my opinion, Carl Rowan did what he had to do. He did not know the intention of those intruders. It would serve us well to remember the book, "In Cold Blood," a true story in Kansas where the wife and daughter were raped and then murdered and then the father and the son were killed by taking a shotgun and blowing their heads off.

How do you know the intentions of people?

It is true America needs stricter gun control laws, but we can never, and Congress must protect the right of American citizens to bear arms.

And I say this: Carl Rowan did the right thing. Today no one is taking pot shots at him, no one raped his wife and he is not mourning the loss of any loved ones. In fact, I doubt if anybody is going to try.

Good luck in court, Mr. Rowan. I think it is time Americans protect themselves and Congress insures that right to bear arms.

PRESIDENT URGED TO VETO DEFENSE AUTHORIZATION BILL

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, I rise today to urge the President to veto the Defense authorization conference report. This bill has been 6 months in the making; however, it clearly flies in the face of U.S. national security interests.

This legislation undermines Presidential authority at a time when the President is involved in ongoing arms control negotiations with the Soviet Union. This legislation forces compliance with the unratified SALT II Treaty and prohibits testing of nuclear weapons, both of which could endanger the prospects for a START agreement.

The President's original request of $6.7 billion for the strategic defense initiative has been reduced to $4.1 billion, a 40-percent reduction in what is considered our Nation's most vital insurance policy. The Soviet's compliance with past agreements is not good, to say the least, and SDI protects us against this threat.

This bill also endorses the narrow interpretation of the ABM treaty which is historically inaccurate.

Providing for America's security is the unique obligation of the Federal Government. No other level of government or private institution can fund national defense. Our resolve to maintain a strong national defense must never waiver.

PRESIDENT REAGAN IS "COMING BACK HOME" TO THE PARTY OF ROOSEVELT, TRUMAN, AND KENNEDY

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. I think that President Reagan might vote Democratic in 1988. Today, when he announced that he was going to leave his pen in his pocket and let the plant closing bill become law, it appears to me he is really starting to return to his roots, the Democratic party, and the roots of his very first Presidency, that as head of a union.

Maybe he is coming home.

He has always said that his very favorite Presidents were Democrats, they were Roosevelt, Truman, and Kennedy. And I want to thank him today for helping create a new Democratic Presidency, that of Michael Dukakis by joining him on these issues for the working men and women of America.

PRESIDENT REAGAN AND THE OLYMPIC DIVING TEAM

(Mr. ECKART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART. Mr. Speaker and fellow colleagues, yes, indeed, it is morning in America and Ronald

Reagan finally woke up. Yes; by deciding to allow the plant closing bill to become law, Ronald Reagan has done in one fell swoop what this Congress has labored mightily for trying to accomplish in the past 18 months.

But I would disagree with one of my Democratic colleagues who said that it was politics which motivated this change.

Yes; there is a significant event taking place this fall ; it will be watched by millions of Americans and hundreds of countries abroad. It invites competition. It rewards success.

No; I am not speaking of the Presidential campaign; I am talking about the Olympics.

And with this flip-flop today, Ronald Reagan's full fledged 2½ gainer with a twist qualifies him for membership on the U.S. Olympic Diving Team. Yes; diving for votes, trying to rescue GEORGE BUSH; it is morning in America and America's workers have been saved.

CHICAGO COMMUTER CHAOS

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, on Thursday morning the United Transportation Union plans to strike the Chicago & North Western Railroad in Chicago and leave 41,000 commuters scrambling to find other ways to get work.

Amazingly, commuter service has nothing to do with the dispute between the railroad and the union. The dispute involves the number of brakemen needed on freight trains.

A Presidential Emergency Board has made recommendations to resolve the dispute and keep the commuter lines running. Recently, the railroad reluctantly agreed to accept them. The union, however, did not.

I have introduced legislation to head off the strike and require both sides to accept the Board's findings.

Mr. Speaker, tens of thousands of rail commuters left without service will create a transportation nightmare in Chicago. Congress must act expeditiously, as they did in the Maine Central and Long Island strikes in 1986 and 1987, to prevent this unconscionable damage to the public interest.

SOVIETS URGED TO APPLY GLASNOST ACROSS THE BOARD

(Mr. WEISS asked and was given permission to address the House for 1 minute.)

Mr. WEISS. Mr. Speaker, 13 years ago yesterday, the leaders of 35 nations, including the United States and the Soviet Union, signed the Helsinki Final Act. This agreement reaffirmed the will of these nations to guarantee to all of their citizens basic human rights, including freedom of conscience, expression, travel, and emigration. It specifically provided that "the participating States will recongize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief."

Mr. Speaker, there are almost 400,000 Jews in the Soviet Union who have applied to leave that country because they have been denied the freedom to profess and practice their religion. To compound this injustice, most of them have been denied the right of emigration because of the arbitrariness of Soviet law. I call upon Secretary Gorbachev today to live up to the treaty obligations his nation has assumed, and allow freedom of religion and a free and fair emigration policy. Mr. Gorbachev, there is no such thing as glasnost for the few—it must apply to people of every race, creed, color, and religion.

THE DUKAKIS FURLOUGH PROGRAM FOR PRISON INMATES

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I hope the President will veto the National Defense Authorization Act because it plays right into the hands of the Soviets. But I want to talk about something else for a moment here.

My colleagues on the other side of the aisle have been extolling the virtues of Michael Dukakis. I think the people of this country ought to know that Michael Dukakis firmly supports a furlough program that will let first degree murderers out on the streets. One of the guys who was furloughed under the Dukakis program was a man named Willie Horton, a first degree murderer, who was convicted and did not have any benefit of parole because of his heinous crime.

Willie Horton went to Maryland on furlough, raped, a woman, and stabbed her husband or fiance many times, trying to kill him, and then he escaped. And when the people who had endured this heinous crime went to see Michael Dukakis to ask him to review that program that is letting convicted murderers out on the streets, he would not even talk to those people.

Mr. Speaker, the people of the United States of America ought to know this before they put somebody in the White House that has that view on crime.

ARMS CONTROL

Mr. Speaker, H.R. 4264, the National Defense Authorization Act for fiscal year 1989 is a dream come true for the Soviet Union. Through this bill, the Democrats in this Congress have given more to the Soviets in terms of arms control concessions than they're been able to achieve in 8 years of negotiations.

My friends, that is not a mistake. Let me read you the list. First, it requires that we abide by the narrow interpretation of the ABM Treaty, even when the Soviets are violating it. Second, it says that we must prepare in advance for a ban on nuclear testing, which will practically ensure that our nuclear deterrent is neither effective nor safe.

Third, it provides for the dismantling of two Poseidon-class missile submarines normally scheduled for overhaul so that we can stay within the sublimits of the unratified SALT II Treaty.

Mr. Speaker, I strongly believe the President should veto this misguided and poorly crafted piece of legislation. Let's start over on a clean sheet of paper and do what's best for our national security for a change.

REAGAN WITHDRAWS THREAT TO VETO PLANT CLOSING BILL

(Mr. FORD of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD of Michigan. Mr. Speaker, I am sure that all of America was pleased and perhaps as surprised as I was this morning when the news reported to us that the White House was announcing that the President had decided that when the moment of truth arrives tomorrow, when it is time for the President to fish or cut bait on whether we would have a 60-day mandatory notice to employees when they are going to lose their jobs, he will join GEORGE BUSH in the men's room of the White House and let it become law without his action.

I cannot criticize the President because the result is fine, but I would observe that he is making a bad mistake when he thinks that GEORGE BUSH has fooled the American people into believing that he was always in the men's room when they were deciding to sell illegal arms to the Ayatollah, when they were deciding to let Noriega go after he was indicted for drug running into this country, and when all the other bad decisions were made.

After years of telling us that as a matter of principle he would never sign a law like this, that he would indeed veto it, The President has decided to join GEORGE BUSH in the back room, and I guess he would tell all those people who stuck with him in the Republican Party, the chamber of commerce and the National Association of Manufacturers, that it is not his fault because he was not there when the decision was made.

AID SOUGHT FOR NICARAGUAN DEMOCRATIC RESISTANCE

(Mr. DREIER of California asked and was given permission to address

the House for 1 minute, and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, some of the most adamant opponents of aiding the democratic resistance in Nicaragua have argued over the past 8 years that this administration has simply tried to provide a military solution to the conflicts in Central America, rather than attempting to negotiate. Contra aid foes make this case even though the Sandinistas have abandoned the negotiating table on nine separate occasions.

In defense of the administration's policy, we must underscore that this week marks two very important anniversaries. Tomorrow is the first anniversary, Mr. Speaker, of the Reagan-Wright peace plan, and this coming Sunday marks the first anniversary of Esquipulas II. We know full well exactly what has happened since the signing of these agreements. We have seen the closing down of La Prensa and the Catholic radio station. We have seen human rights violations by the Sandinistas continue to proliferate.

Mr. Speaker, both sides of the aisle should work to bring about an agreement which will see renewed aid to the Nicaraguan democratic resistance forces, who are struggling to reach out for the freedom which you and I enjoy.

VETO OF DEFENSE AUTHORIZATION BILL WOULD SIGNAL A STRONG DEFENSE

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, the Defense authorization bill should be vetoed. For Ronald Reagan to sign this bill would be to turn his back on everything he's fought for the last 7 years:

A defense against nuclear attack;

An effective deterrent through a strong, balanced triad of strategic forces; and

Negotiations with the Soviets through strength, not unilateral concessions.

To sign this bill would suggest differences between GEORGE BUSH and Ronald Reagan almost as large as those between Senator BENTSEN and Mike Dukakis.

So, the President should veto the bill. But, if he does so, he must be prepared to tell the American people why. That it is not because he's against a strong defense; but, to the contrary, because the bill does not represent strong defense in too many critical ways, like its cuts in funding for SDT, the strategic defense initiative.

And my colleagues must also be willing to bring this same message to our constituents. We cannot ask the President to veto the bill if we are unwilling to back it up and explain the differences betweeen a deficient defense and a strong America as has been built under Ronald Reagan. Stay the course, Mr. President.

DRUG TESTING

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise to commend District Court Judge Revercomb and Supreme Court Justice Sandra Day O'Connor for their granting and upholding of injunctions against the ill-advised and ill-conceived drug testing program for Federal employees.

Their actions make clear that "saying no to drugs" does not mean "saying no to the Constitution."

There is, as Judge Revercomb points out, no evidence of a drug problem in the Federal Government which justifies infringing on the constitutional rights of "trusted and apparently law-abiding employees."

There is no argument that we should wage a full scale war against drugs and drug traffickers. We must end this scourge which plagues our streets, schools, and homes.

The "war on drugs" is a priority, and over time I am confident that we will succeed in ridding our society of the worst effects of this problem, but do we really want to undermine the American Constitution in the process?

The "war on drugs" will have real meaning when we refocus our efforts on building a comprehensive and well-conceived national strategy to confront the outlaws and help the victims, rather than bending the constitutional protections afforded our law-abiding employees.

INTRODUCTION OF BILL TO PROHIBIT SECRET SERVICE PROTECTION FOR POLITICAL CANDIDATES

(Mr. CONTE asked and was given permission to address the House for 1 minute.)

Mr. CONTE. Mr. Speaker, I am going to let you all in on a secret. Those clean-cut, dark-suited men with the radios in their ears, whom you saw surrounding the Democratic and Republican candidates, were not campaign volunteers.

No; they were paid bodyguards, and you want to know another secret? None of the candidates paid for them! Who did? The U.S. taxpayer, to the tune of $29.9 million this year—and that's excluding the cost of protection for the Vice President.

We've been paying $20,000 per day to protect each candidate who wanted Secret Service protection. There are better ways to spend $20,000 each day than to give it away to candidates fighting for their party's nomination. Around the clock, three shifts a day, anywhere in the country. It's a potential abuse of the Secret Service.

I'm going to be watching this situation very closely, and after this election cycle is over I think there should be an extensive study of Secret Service candidate protection to determine if there are any widespread abuses or if this protective service is more appropriately a campaign expense.

It may be time for a little campaign cost-sharing.

KAILEIGH MULLIGAN

(Mr. ATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ATKINS. Mr. Speaker, there was some good news last week in the town of Methuen, MA. Finally, after more than a year of courageous and relentless work, Mrs. Kathleen Mulligan got the Federal Government to change some of its rules that until now made it all but impossible for a family to care for a seriously ill child at home. Mrs. Mulligan's daughter, Kaileigh, was born with Down's syndrome 2½ years ago. The Mulligans found, however, that their annual income of under $26,000 made them ineligible for certain Medicaid and SSI benefits unless Kaileigh were cared for in an institution at a much higher cost. Kathleen Mulligan brought the injustice to the attention of all levels of government. Governor Dukakis and the Commonwealth of Massachusetts responded quickly, becoming the first State to adopt rules that would allow families like the Mulligans to care for their ill children at home. Congressmen BRIAN DONNELLY, BARNEY FRANK, and I introduced legislation earlier this year to change the Federal rules. Finally, last Friday, Vice President BUSH joined the bandwagon belatedly. The Vice President is to be commended for pushing the Health Care Financing Administration to allow some waivers of the existing rules in order to pay some home care costs. As timely as this new policy is it only addresses a small part of the problem. I invite the Vice President to use his influence to get the administration behind our bill to solve this problem and to make sure that other families in nonelection years can benefit as well.

NICARAGUA

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, I am appalled at the continued human rights

abuses by the Sandinistas in Nicaragua. When I visited that country a few weeks ago, I witnessed brutal repression by the Sandinista security forces. I saw innocent citizens, waiting to march in a democratic demonstration, ruthlessly beaten and thrown in police jeeps, merely because they desired to march for freedom. This incident, only one of many, is a blatant abuse of human rights and is horrifying.

The repression continues. The Washington Post woke up and has finally found the new draft system that the Sandinistas went on last week, another of their forced recruitment rampages to abduct Nicaraguan youths into military service. In the towns of San Rafael del Sur and Masachapa, the people were repressed after protesting the capture of 180 young Nicaraguans for forced military service. This is just another example of how the Sandinistas, cordon off many homes and go house to house dragging young people out and forcing them into the Communist's military service. When I was in Nicaragua, I heard many stories of how the Sandinistas raid nightclubs and other places that young people frequent in an attempt to beef up their military forces. Youths that do not cooperate, of course, are added to the evergrowing numbers of political prisoners. These are disgusting human rights abuses, much worse than the closing of La Prensa and Radio Catolica.

Mr. Speaker, we've given peace a chance. It's time to give human rights and freedom a chance.

SOVIET SUPPORT FOR DEFENSE AUTHORIZATION BILL

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, the President should veto the Defense authorization bill. If the President needed a reason, all he had to do was listen to at least one leftwing Democrat who spoke here this afternoon. To defend his position that the Defense bill should be signed, who did this leftwing Democrat quote? Why, he quoted a Soviet spokesman.

That is right, he quoted a Soviet spokesman. That alone should tell us more than we need to know about the Defense bill. It is a bill that suggests the best defense is weakness. That may be the leftwing Democratic position, but it should not be the Reagan position. I say, Mr. President, veto at least one bad bill.

□ 1300

PROVIDING FOR MOTION TO TAKE H.R. 1414, PRICE-ANDERSON AMENDMENTS ACT OF 1987, FROM SPEAKER'S TABLE AND DISAGREE TO SENATE AMENDMENTS NUMBERED 1 THROUGH 15 AND CONCUR IN SENATE AMENDMENT NUMBERED 16 WITH AN AMENDMENT

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 502 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 502

Resolved, That upon the adoption of this resolution, it shall be in order to take from the Speaker's table the bill (H.R. 1414) to amend the Price-Anderson provisions of the Atomic Energy Act of 1954 to extend and improve the procedures for liability and indemnification for nuclear incidents, with Senate amendments thereto, and to consider, any rule of the House to the contrary notwithstanding, the following motion: that the House disagrees to Senate amendments numbered 1 through 15 and concurs in Senate amendment number 16 with an amendment printed in the report of the Committee on Rules accompanying this resolution. Said motion shall be debatable for not to exceed one hour, to be equally divided and controlled by the majority party and the minority party, shall not be subject to a demand for a division of the question, and the previous question shall be considered as having been ordered on said motion to final adoption without intervening motion.

The SPEAKER pro tempore (Mr. DURBIN). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA], and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 502 is a rule providing for disposition of H.R. 1414, the Price-Anderson Amendments Act. The rule makes it in order to call up H.R. 1414 with the Senate amendments to that bill and to consider a motion that the House disagree to Senate amendments numbered 1 through 15 and agree to Senate amendment No. 16 with an amendment printed in the Rules Committee report accompanying this resolution. That amendment is a complete substitute for the bill. The rule waives all points of order against this motion and provides for 1 hour of debate on the motion, with the time equally divided between the majority and minority party. The rule provided that the motion is not subject to a demand for a division of the question and that the previous question is considered as having been ordered without intervening motion.

Mr. Speaker, Price-Anderson is the law dealing with liability for damages that would occur in the case of a significant nuclear accident. It provides both for quick and sure payment for damages suffered by citizens as a result of a nuclear accident and for limits on the liability incurred by the commercial nuclear power industry or by the operators of Department of Energy defense nuclear facilities. In the absence of Price-Anderson the operations of the nuclear industry would be severely curtailed, our national security efforts would be handicapped, and our citizens would not be assured of payments for damages resulting from a nuclear accident that we hope will never occur.

Price-Anderson expired on August 1, 1987. Its protections remain in place for existing nuclear powerplants and Department of Energy defense nuclear facility operations contracts in effect prior to that date, but it is crucial to extend Price-Anderson so that those protections are available for any new nuclear power plants and for newly signed DOE contracts.

The House passed H.R. 1414, which reauthorizes Price-Anderson, last July 30 by a 396–17 vote. The Senate passed the bill this past March 18, with 16 amendments. Since that time there have been a series of discussions which have yielded agreement among all the interested parties on 99 percent of the bill. Because there is agreement on all of the most important issues in the bill, and because some of those agreements could evaporate if the bill were sent to conference, Chairman MO UDALL of the Interior Committee and Chairman JOHN DINGELL of the Energy and Commerce Committee, have, with my full support, requested this rule which will allow them simply to offer a substitute for the bill which embodies the agreed upon provisions and what we hope will be a compromise on the remaining provision that the Senate will see fit to accept. I should add that the Senators with responsibility for managing this matter in the Senate are in agreement with this procedure.

We are pursuing this approach because we cannot afford to take the chance on going to conference and getting bogged down for so long that we fail to enact a bill by the end of this Congress. That is a real possibility since we have less than 6 weeks left scheduled in this Congress. If we fail to enact a bill, we will cause serious problems for our defense nuclear effort. Two major DOE weapons research and production facility contracts expire on September 30 and a new contract for the critical Savannah River plant, a facility in my district that is the United States' only source of weapons grade plutonium and tritium, is under negotiation right now.

Without Price-Anderson, the signing of these new contracts is in doubt.

I want to commend Chairmen UDALL and DINGELL and subcommittee chairman PHIL SHARP and their staffs for their hard work and persistence on this issue. They have forged ahead with this legislation despite numerous obstacles and difficulties. I particularly want to thank them for working with me to achieve a compromise on the civil penalties provisions in the bill which will help assure the safe operation of DOE nuclear facilities but will not prevent our Nations universities' from contributing to this important work.

It is time for final action on Price-Anderson. We cannot afford any further delays. I believe that the substitute that is going to be offered under this rule should be satisfactory to all interested parties. It is a fair compromise, and this rule provides us with the opportunity to enact this compromise and finally reauthorize the Price-Anderson Act. I urge you to support his rule and the motion that will be offered after the adoption of the rule.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill passed the House last year by a record vote of 396 to 17. Then earlier this year the Senate passed the bill with 16 amendments by a voice vote. However, the Senate did not request a conference. The rule before us today represents the House response to this situation.

The rule provides for a motion that the House disagree to Senate amendments numbered 1 through 15 and concur in Senate amendment No. 16 with the amendment printed in the report accompanying this rule. There will be 1 hour of debate on the motion, and no amendments will be allowed.

The rule includes a waiver of all points of order. The germaneness rule is violated because the motion proposes to amend Senate amendment No. 16 with the text of a whole bill. Because the bill is much broader than the text it is amending the germaneness waiver is included.

Mr. Speaker, the purpose of this bill is to revise and extend the liability and indemnification provisions of the Atomic Energy Act. Under which the public would be compensated for damages arising out of Federal nuclear defense activities or the commercial nuclear power program.

There are three committees with jurisdiction over parts of the bill. In the Rules Committee the chairmen of two of them, the Committee on Energy and Commerce and the Committee on Interior and Insular Affairs favored proceedings with this rule. The Chairman of the Committee on Science, Space, and Technology opposed proceeding at that time unless an open rule was provided. The majority on the Rules Committee refused to make in order the specific amendment sought by the chairman of the Committee on Science, Space, and Technology and proceeded to report this rule before the House today.

Mr. Speaker, the administration strongly supports reauthorization of the Price-Anderson Act, H.R. 1414, as passed by the House on July 30, 1987. The administration position is that renewal of Price-Anderson is critical to the future of nuclear power in the United States and to federally sponsored nuclear research and national security activities.

The administration opposes, however, the bill's provision that could provide Federal Tort Claims Act protection for nuclear pharmacies and radiopharmaceutical manufacturers.

Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Speaker, I wish to urge my colleagues to support this rule and allow the House to move this vital legislation forward.

I believe that the reauthorization bill that is before us is both pro-consumer and fair to the nuclear power industry. To obtain its eventual enactment, we need to get the legislative process moving again. The rule would accomplish this.

We have reason to be optimistic that the provisions of the proposed amendment will be agreeable to the Congress and lead to reauthorization of the Price-Anderson Act in the near future. Negotiation has taken place over the last several months to reach a stage of consensus on the terms of reauthorization. Now is the time to act upon this work and renew the statute and its protection for the public.

Mr. LATTA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4333, MISCELLANEOUS REVENUE ACT OF 1988

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 100-812) on the resolution (H. Res. 507) providing for the consideration of the bill (H.R. 4333) to make technical corrections relating to the Tax Reform Act of 1986, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4352, OMNIBUS McKINNEY HOMELESS ASSISTANCE ACT OF 1988

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 100-813) on the resolution (H. Res. 508) providing for the consideration of the bill (H.R. 4352) to amend the Stewart B. McKinney Homeless Assistance Act to extend programs providing urgently needed assistance for the homeless, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PRICE-ANDERSON AMENDMENTS ACT OF 1987

Mr. UDALL. Mr. Speaker, pursuant to the House Resolution 502 I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. UDALL moves to take the bill (H.R. 1414) to amend the Price-Anderson provisions of the Atomic Energy Act of 1954 to extend and improve the procedures for liability and indemnification for nuclear incidents, from the Speaker's table and to disagree with Senate amendments numbered 1 through 15 and concur in Senate amendment number 16 with an amendment.

The texts of Senate amendments 1 through 16 and of the House amendment to Senate amendment No. 16 are as follows:

Senate amendments:

Page 7, line 5, strike out "1997" and insert "2007".

Page 7, line 16, strike out "1999" and insert "2007".

Page 8, line 16, strike out all after b. down to and including line 24.

Page 12, after line 2, insert:

(c) Subsection s. of section 11 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following: "In the event that the Secretary of Energy, in carrying out any activity that the Secretary is authorized or directed to undertake pursuant to this Act or any other law involving the risk of public liability for a nuclear incident as a result of the storage or disposal of, or research and development on, spent nuclear fuel, high-level radioactive waste, or transuranic waste (including the transportation of such materials to a storage or disposal site or facility), undertakes such activity in a manner that involves the actual physical handling of spent nuclear fuel, high-level radioactive waste, or transuranic waste by the Secretary, the Secretary shall be considered as if he were a contractor with whom an indemnity agreement has been entered into pursuant to subsection 170 d. of this Act.".

Page 15, line 2, strike out "subsection i.," and insert "the procedures set forth in subsection 170 i. and will in accordance with such procedures,".

Page 15, strike out all after line 7 over to and including line 12 on page 16.

Page 16, line 13, strike out "(4)" and insert "(3)".

Page 16, line 18, strike out "(5)" and insert "(4)".

Page 18, line 20, strike out "plans.". and insert "plans.".

Page 18, after line 20, insert:

"(3) Any compensation plan transmitted to the Congress pursuant to paragraph (2) shall bear an identification number and shall be transmitted to both Houses of Congress on the same day and to each House while it is in session.

"(4) No such compensation plan may be considered approved for purposes of subsection 170 e. (2) unless between the date of transmittal and the end of the first period of sixty calendar days of continuous session of Congress after the date on which such action is transmitted to such House, each House of Congress passes a resolution described in paragraph 6 of this subsection.

"(5) For the purpose of paragraph (4) of this subsection—

"(A) continuity of session is broken only by an adjournment of Congress sine die; and

"(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day calendar period.

"(6)(A) This paragraph is enacted by Congress—

"(i) As an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by clause (B) and it supersedes other rules only to the extent that it is inconsistent therewith; and

"(ii) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of the House.

"(B) For purposes of this paragraph, the term 'resolution' means only a resolution of either House of Congress the matter after the resolving clause of which is as follows: 'That the approves the compensation plan numbered submitted to the Congress on 19 .', the first blank space therein being filled with the name of the resolving House and the other blank spaces being appropriately filled; but does not include a resolution which specifies more than one compensation plan.

"(C) A resolution once introduced with respect to a compensation plan shall immediately be referred to a committee (and all resolutions with respect to the same compensation plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

"(D)(i) If the committee to which a resolution with respect to a compensation plan has been referred has not reported it at the end of twenty calendar days after its referral, it shall be in order to move either to discharge the committee from further consideration of such resolution or to discharge the committee from further consideration with respect to such compensation plan which has been referred to the committee.

"(ii) A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same compensation plan), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

"(iii) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same compensation plan.

"(E)(i) When the committee has reported, or has been discharged from further consideration of, a resolution, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

"(ii) Debate on the resolution referred to in clause (i) of this subparagraph shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing such resolution. A motion further to limit debate shall not be debatable. An amendment to, or motion to recommint, the resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which such resolution was agreed to or disagreed to.

"(F)(i) Motions to postpone, made with respect to the discharge from committee, or the consideration of a resolution or motions to proceed to the consideration of other business, shall be decided without debate.

"(ii) Appeals from the decision of the Chair relating to the application of the rules of the Senate and the House of Representatives, as the case may be, to the procedures relating to a resolution shall be decided without debate.".

Page 19, strike out lines 7 to 13, and insert:

U.S.C. 2210(k)), as amended, is amended to read as follows:

"(k) EXEMPTION FROM REQUIREMENTS OF FINANCIAL PROTECTION.—

"(1) With respect to any license issued pursuant to section 53, 63, 81, 104(a), or 104(c) for the conduct of—

"(A) educational activities to a person found by the Commission to be a nonprofit educational institution, or

"(B) under byproduct material licenses issued by the Commission or by an Agreement State to a person for the conduct of medical and related activities of operating nuclear pharmacies or hospital nuclear medicine departments,

the Commission shall exempt such licensee from the financial protection requirement of subsection 170 a.

"(2) With respect to licenses issued pursuant to paragraph (1) of this subsection between August 30, 1954, and August 1, 2007, for which the Commission grants such exemption—

"(A) the Commission shall agree to indemnify and hold harmless the licensee and other persons indemnified, as their interests may appear, from public liability in excess of $250,000 arising from nuclear incidents. The aggregate indemnity for all persons indemnified in connection with each nuclear incident shall not exceed $500,000,000, including such legal costs of the licensee as are approved by the Commission;

"(B) such contracts of indemnification shall cover public liability arising out of or in connection with the licensed activity and shall include damage to property of persons indemnified, except property which is located at the site of and used in connection with the activity where the nuclear incident occurs; and

"(C) such contracts of indemnification, when entered into with a licensee having immunity from public liability because it is a State agency, shall provide also that the Commission shall make payments under the contract on account of activities of the licensee in the same manner and to the same extent as the Commission would be required to do if the licensee were not such a State agency.

"(3) No contract of indemnification entered into by the Commission pursuant to paragraph (2) of this subsection for the conduct of activities described in subparagraph (1)(B) of this subsection shall provide indemnification of public liability for, or preclude claims arising out of, the administration or misadministration of radio-pharmaceuticals dispensed by nuclear pharmacies or nuclear medicine departments of hospitals or clinics in the course of diagnosis or therapy.

"(4) With respect to any production or utilization facility for which a construction permit is issued between August 30, 1954, and August 1, 2007, the requirements of this subsection shall apply to any license issued for such facility subsequent to August 1, 2007.

"(5) Any licensee may waive an exemption to which it is entitled under this subsection.".

Page 30, lines 18 and 19, strike out " "and the Secretary shall submit to the Congress by August 1, 1993, detailed reports";" and insert " "and the Secretary shall submit to the Congress by August 1, 1993, and by August 1, 2003, detailed reports";".

Page 39, after line 2, insert:

SEC. 17. CIVIL PENALTIES.

The Atomic Energy Act of 1954, as amended, is further amended by adding a new section 234A as follows:

"SECTION 234A. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS.—a. Any person who has entered into an agreement of indemnification under subsection 170 d. (or any subcontractor or supplier thereto) who violates (or whose employee violates) any rule, regulation or order related to nuclear safety prescribed or issued by the Secretary of Energy pursuant to this Act (or expressly incorporated by reference by the Secretary for purposes of nuclear safety, except that the Secretary shall not incorporate by reference any rule, regulation, or order issued by the Secretary of Transportation) shall be subject to appropriate enforcement action or a civil penalty of not to exceed $100,000 for each such violation. If any violation under this subsection is a continuing one, each day of such violation shall constitute a separate violation for the purpose of computing the applicable civil penalty.

"b. (1) The Secretary shall have the power to compromise, modify or remit, with or without conditions, such civil penalties and to prescribe regulations as he may deem necessary to implement this section.

"(2) In determining the amount of any civil penalty under this subsection, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to

the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require.

"c. (1) Before issuing an order assessing a civil penalty against any person under this section, the Secretary shall provide to such person notice of the proposed penalty. Such notice shall inform such person of his opportunity to elect in writing within thirty days after the date of receipt of such notice to have the procedures of paragaph (3) (in lieu of those of paragraph (2)) apply with respect to such assessment.

"(2)(A) Unless an election is made within thirty calendar days after receipt of notice under paragraph (1) to have paragraph (3) apply with respect to such penalty, the Secretary shall assess the penalty, by order, after a determination of violation has been made on the record after an opportunity for an agency hearing pursuant to section 554 of title 5, United States Code, before an administrative law judge appointed under section 3105 of such title 5. Such assessment order shall include the administrative law judge's findings and the basis for such assessment.

"(B) Any person against whom a penalty is assessed under this paragraph many, within sixty calendar days after the date of the order of the Secretary assessing such penalty, institute an action in the United States court of appeals for the appropriate judicial circuit for judicial review of such order in accordance with chapter 7 of title 5, United States Code. The court shall have jurisdiction to enter a judgment affirming, modifying, or setting aside in whole or in part, the order of the Secretary, or the court may remand the proceeding to the Secretary for such further action as the court may direct.

"(3)(A) In the case of any civil penalty with respect to which the procedures of this paragraph have been elected, the Secretary shall promptly assess such penalty, by order, after the date of receipt of the notice under paragraph (1) of the proposed penalty.

"(B) If the civil penalty has not been paid within sixty calendar days after the assessment order has been made under subparagraph (A), the Secretary shall institute an action in the appropriate district court of the United States for an order affirming the assessment of the civil penalty. The court shall have authority to review de novo the law and facts involved, and shall have jurisdiction to enter a judgment enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part, such assessment.

"(C) Any election to have this paragraph apply may not be revoked except with consent of the Secretary.

"(4) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order under paragraph (2), or after the appropriate district court has entered final judgment in favor of the Secretary under paragraph (3), the Secretary shall institute an action to recover the amount of such penalty in any appropriate district court of the United States. In such action, the validity and appropriateness of such final assessment order or judgement shall not be subject to review.

"d. The provisions of this section shall not apply to:

"(1) The University of Chicago (and any subcontractors or suppliers thereto) for activities associated with Argonne National Laboratory;

"(2) The University of California (and any subcontractors or suppliers thereto) for activities associated with Los Alamos National Laboratory, Lawrence Livermore National Laboratory, and Lawrence Berkeley National Laboratory;

"(3) American Telephone and Telegraph Technologies, Inc. (and any subcontractors or suppliers thereto) for activities associated with Sandia National Laboratory;

"(4) Universities Research Association, Inc. (and any subcontractors or suppliers thereto) for activities associated with FERMI National Laboratory;

"(5) Princeton University (and any subcontractors or suppliers thereto) for activities associated with Princeton Plasma Physics Laboratory;

"(6) The Associated Universities, Inc. (and any subcontractors or suppliers thereto) for activities associated with the Brookhaven National Laboratory; and

"(7) Battelle Memorial Institute (and any subcontractors or suppliers thereto) for activities associated with Pacific Northwest Laboratory.".

SEC. 18. CRIMINAL PENALTIES.

Section 223 of the Atomic Energy Act of 1954, as amended, is further amended by adding a new subsection c. as follows:

"c. Any individual director, officer or employee of a person indemnified under an agreement of indemnification under section 170 d. (or of a subcontractor supplier thereto) who, by act or omission, knowingly and willfully violates or causes to be violated any section of this Act or any nuclear safety-related rule, regulation or order issued thereunder by the Secretary of Energy (or expressly incorporated by reference by the Secretary for purposes of nuclear safety, except that the Secretary shall not incorporate by reference any rule, regulation, or order issued by the Secretary of Transportation), which violation results in or, if undetected, would have resulted in a nuclear incident as defined in subsection 11 q. shall, upon conviction, be subject to a fine of not more than $25,000, or to imprisonment not to exceed two years, or both. If the conviction is for a violation committed after the first conviction under this subsection, punishment shall be a fine of not more than $50,000, or imprisonment for not more than five years, or both.".

Page 39, line 3, strike out "17" and insert "19".

Page 39, line 8, strike out "(b)" and insert "(b)(1)".

Page 39, after line 10, insert:

(2) Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) as amended by this Act shall apply to all contracts with the Department of Energy whether executed before, on or after the date of enactment of this Act.

House amendment to Senate Amendment No. 16:

In lieu of the matter proposed to be inserted by the Senate amendment numbered 16 to H.R. 1414 insert the following:

Strike out all after the enacting clause of the bill, as passed by the House, and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Price-Anderson Amendments Act of 1988".

SEC. 2. FINANCIAL PROTECTION.

(a) PRIMARY FINANCIAL PROTECTION AMOUNT REQUIRED FOR LARGE ELECTRICAL GENERATING FACILITIES.—Section 170b. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)) is amended—

(1) by inserting "primary" before "financial protection" the first, second, third, and sixth places it appears;

(2) by inserting before the period at the end of the proviso in the first sentence the following; "(excluding the amount of private liability insurance available under the industry retrospective rating plan required in this subsection)"; and

(3) by striking in the third sentence all that precedes "private liability insurance" and inserting the following: "The Commission shall require licensees that are required to have and maintain primary financial protection equal to the maximum amount of liability insurance available from private sources to maintain, in addition to such primary financial protection,".

(b) STANDARD DEFERRED PREMIUM AMOUNT.—Section 170 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)) is amended—

(1) in the second proviso of the third sentence by striking "That" and all that follows through "protection" and inserting the following: "That the maximum amount of the standard deferred premium that may be charged a licensee following any nuclear incident under such a plan shall not be more than $63,000,000 (subject to adjustment for inflation under subsection t.), but not more than $10,000,000 in any 1 year, for each facility for which such licensee is required to maintain the maximum amount of primary financial protection"; and

((2) in the third proviso of the third sentence, by adding after "and costs" the following: "(excluding legal costs subject to subsection o. (1)(D), payment of which has not been authorized under such subsection)".

(c) LESSER ANNUAL DEFERRED PREMIUM AMOUNTS.—Section 170 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)) is amended—

(1) by inserting "(1)" after the subsection designation;

(2) in the first sentence, by redesignating clauses (1) through (3) as clauses (A) through (C), respectively;

(3) by striking the fifth and sixth sentences; and

(4) by adding at the end of the fourth sentence the following new paragraph:

"(2)(A) The Commission may, on a case by case basis, assess annual deferred premium amounts less than the standard annual deferred premium amount assessed under paragraph (1)—

"(i) for any facility, if more than one nuclear incident occurs in any one calendar year; or

"(ii) for any licensee licensed to operate more than one facility, if the Commission determines that the financial impact of assessing the standard annual deferred premium amount under paragraph (1) would result in undue financial hardship to such licensee or the ratepayers of such licensee.

"(B) In the event that the Commission assesses a lesser annual deferred premium amount under subparagraph (A), the Commission shall require payment of the difference between the standard annual deferred premium assessment under paragraph (1) and any such lesser annual deferred premium assessment within a reasonable period of time, with interest at a rate determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the date that the standard annual deferred premium as-

sessment under paragraph (1) would become due.".

(d) BORROWING AUTHORITY.—Section 170 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)) is amended—

(1) by inserting "(3)" before the penultimate sentence and redesignating the penultimate and last sentences as a paragraph (3); and

(2) by adding at the end the following new paragraph:

"(4)(A) In the event that the funds available to pay valid claims in any year are insufficient as a result of the limitation on the amount of deferred premiums that may be required of a licensee in any year under paragraph (1) or (2), or the Commission is required to make reinsurance or guaranteed payments under paragraph (3), the Commission shall, in order to advance the necessary funds—

"(i) request the Congress to appropriate sufficient funds to satisfy such payments; or

"(ii) to the extent approved in appropriation Acts, issue to the Secretary of the Treasury obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be agreed to by the Commission and the Secretary of the Treasury.

"(B) Except for funds appropriated for purposes of making reinsurance or guaranteed payments under paragraph (3), any funds appropriated under subparagraph (A)(i) shall be repaid to the general fund of the United States Treasury from amounts made available by standard deferred premium assessments, with interest at a rate determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the date that the funds appropriated under such subparagraph are made available.

"(C) Except for funds appropriated for purposes of making reinsurance or guaranteed payments under paragraph (3), redemption of obligations issued under subparagraph (A)(ii) shall be made by the Commission from amounts made available by standard deferred premium assessments. Such obligations shall bear interest at a rate determined by the Secretary of the Treasury by taking into consideration the average market yield on outstanding marketable obligations to the United States of comparable maturities during the month preceding the issuance of the obligations under this paragraph. The Secretary of the Treasury shall purchase any issued obligations, and for such purpose the Secretary of the Treasury may use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under such chapter are extended to include any purchase of such obligations. The Secretary of the Treasury may at any time sell any of the obligations acquired by the Secretary of the Treasury under this paragraph. All redemptions, purchases, and sales by the Secretary of the Treasury of obligations under this paragraph shall be treated as public debt transactions of the United States.".

SEC. 3. INDEMNIFICATION AGREEMENTS FOR LICENSEES OF NUCLEAR REGULATORY COMMISSION.

Section 170 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended by striking "August 1, 1987" each place it appears and inserting "August 1, 2002".

SEC. 4. INDEMNIFICATION AGREEMENTS FOR ACTIVITIES UNDERTAKEN UNDER CONTRACT WITH DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended to read as follows:

"d. INDEMNIFICATION OF CONTRACTORS BY DEPARTMENT OF ENERGY.—(1)(A) In addition to any other authority the Secretary of Energy (in this section referred to as the 'Secretary') may have, the Secretary shall, until August 1, 2002, enter into agreements of indemnification under this subsection with any person who may conduct activities under a contract with the Department of Energy that involve the risk of public liability and that are not subject to financial protection requirements under subsection b. or agreements of indemnification under subsection c. or k.

"(B)(i)(I) Beginning 60 days after the date of enactment of the Price-Anderson Amendments Act of 1988, agreements of indemnification under subparagraph (A) shall be the exclusive means of indemnification for public liability arising from activities described in such subparagraph, including activities conducted under a contract that contains an indemnification clause under Public Law 85-804 entered into between August 1, 1987, and the date of enactment of the Price-Anderson Amendments Act of 1988.

"(II) The Secretary may incorporate in agreements of indemnification under subparagraph (A) the provisions relating to the waiver of any issue or defense as to charitable or governmental immunity authorized in subsection n. (1) to be incorporated in agreements of indemnification. Any such provisions incorporated under this subclause shall apply to any nuclear incident arising out of nuclear waste activities subject to an agreement of indemnification under subparagraph (A).

"(ii) Public liability arising out of nuclear waste activities subject to an agreement of indemnification under subparagraph (A) that are funded by the Nuclear Waste Fund established in section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) shall be compensated from the Nuclear Waste Fund in an amount not to exceed the maximum amount of financial protection required of licensees under subsection b.

"(2) In agreements of indemnification entered into under paragraph (1), the Secretary may require the contractor to provide and maintain financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity, and shall indemnify the persons indemnified against such claims above the amount of the financial protection required, to the full extent of the aggregate public liability of the persons indemnified for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.

"(3)(A) Notwithstanding paragraph (2), if the maximum amount of financial protection required of licensees under subsection b. is increased by the Commission, the amount of indemnity, together with any financial protection required of the contractor, shall at all times remain equal to or greater than the maximum amount of financial protection required of licensees under subsection b.

"(B) The amount of indemnity provided contractors under this subsection shall not, at any time, be reduced in the event that the maximum amount of financial protection required of licensees is reduced.

"(C) All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person, shall be deemed to be amended, on the date of the enactment of the Price-Anderson Amendments Act of 1988, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection on such date.

"(4) Financial protection under paragraph (2) and indemnification under paragraph (1) shall be the exclusive means of financial protection and indemnification under this section for any Department of Energy demonstration reactor licensed by the Commission under section 202 of the Energy Reorganization Act of 1974 (42 U.S.C. 5842).

"(5) In the case of nuclear incidents occurring outside the United States, the amount of the indemnity provided by the Secretary under this subsection shall not exceed $100,000,000.

"(6) The provisions of this subsection may be applicable to lump sum as well as cost type contracts and to contracts and projects financed in whole or in part by the Secretary.

"(7) A contractor with whom an agreement of indemnification has been executed under paragraph (1)(A) and who is engaged in activities connected with the underground detonation of a nuclear explosive device shall be liable, to the extent so indemnified under this subsection, for injuries or damage sustained as a result of such detonation in the same manner and to the same extent as would a private person acting as principal, and no immunity or defense founded in the Federal, State, or municipal character of the contractor or of the work to be performed under the contract shall be effective to bar such liability.".

(b) DEFINITIONS.—Section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014) is amended by adding at the end the following new subsections:

"dd. The terms 'high-level radioactive waste' and 'spent nuclear fuel' have the meanings given such terms in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

"ee. The term 'transuranic waste' means material contaminated with elements that have an atomic number greater than 92, including neptunium, plutonium, americium, and curium, and that are in concentrations greater than 10 nanocuries per gram, or in such other concentrations as the Nuclear Regulatory Commission may prescribe to protect the public health and safety.

"ff. The term 'nuclear waste activities', as used in section 170, means activities subject to an agreement of indemnification under subsection d. of such section, that the Secretary of Energy is authorized to undertake, under this Act or any other law, involving the storage, handling, transportation, treatment, or disposal of, or research and development on, spent nuclear fuel, high-level radioactive waste, or transuranic waste, including (but not limited to) activities authorized to be carried out under the Waste Isolation Pilot Project under section 213 of Public Law 96-164 (93 Stat. 1265).".

SEC. 5. PRECAUTIONARY EVACUATIONS.

(a) COSTS INCURRED BY STATE GOVERNMENTS.—Section 11 w. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(w)) is amended by inserting after "nuclear incident" the first place it appears the following: "or pre-

cautionary evacuation (including all reasonable additional costs incurred by a State, or a political subdivision of a State, in the course of responding to a nuclear incident or a precautionary evacuation)".

(b) DEFINITION.—Section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014), as previously amended by this Act, is further amended by adding at the end the following new subsection:

"gg. The term 'precautionary evacuation' means an evacuation of the public within a specified area near a nuclear facility, or the transportation route in the case of an accident involving transportation of source material, special nuclear material, byproduct material, high-level radioactive waste, spent nuclear fuel, or transuranic waste to or from a production or utilization facility, if the evacuation is—

"(1) the result of any event that is not classified as a nuclear incident but that poses imminent danger of bodily injury or property damage from the radiological properties of source material, special nuclear material, byproduct material, high-level radioactive waste, spent nuclear fuel, or transuranic waste, and causes an evacuation; and

"(2) initiated by an official of a State or a political subdivision of a State, who is authorized by State law to initiate such an evacuation and who reasonably determined that such an evacuation was necessary to protect the public health and safety.".

(c) LIMITATION.—Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended by adding at the end the following new subsection:

"q. LIMITATION ON AWARDING OF PRECAUTIONARY EVACUATION COSTS.—No court may award costs of a precautionary evacuation unless such costs constitute a public liability.".

SEC. 6. AGGREGATE PUBLIC LIABILITY FOR SINGLE NUCLEAR INCIDENT.

Section 170 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)) is amended to read as follows:

"e. LIMITATION ON AGGREGATE PUBLIC LIABILITY.—(1) The aggregate public liability for a single nuclear incident of persons indemnified, including such legal costs as are authorized to be paid under subsection o. (1)(D), shall not exceed—

(A) in the case of facilities designed for producing substantial amounts of electricity and having a rated capacity of 100,000 electrical kilowatts or more, the maximum amount of financial protection required of such facilities under subsection b. (plus any surcharge assessed under subsection o. (1)(E));

"(B) in the case of contractors with whom the Secretary has entered into an agreement of indemnification under subsection d., the maximum amount of financial protection required under subsection b. or the amount of indemnity and financial protection that may be required under paragraph (3) of subsection d., whichever amount is more; and

"(C) in the case of all other licensees of the Commission required to maintain financial protection under this section—

"(i) $500,000,000 together with the amount of financial protection required of the licensee; or

"(ii) if the amount of financial protection required of the licensee exceeds $60,000,000, $560,000,000 or the amount of financial protection required of the licensee, whichever amount is more.

"(2) In the event of a nuclear incident involving damages in excess of the amount of aggregate public liability under paragrpah (1), the Congress will thoroughly review the particular incident in accordance with the procedures set forth in section 170 i. and will in accordance with such procedures, take whatever action is determined to be necessary (including approval of appropriate compensation plans and appropriation of funds) to provide full and prompt compensation to the public for all public liability claims resulting from a disaster of such magnitude.

"(3) No provision of paragraph (1) may be construed to preclude the Congress from enacting a revenue measure, applicable to licensees of the Commission required to maintain financial protection pursuant to subsecion b., to fund any action undertaken pursuant to paragraph (2).

"(4) With respect to any nuclear incident occurring outside of the United States to which an agreement of indemnification entered into under the provisions of subsection d. is applicable, such aggregate public liability shall not exceed the amount of $100,000,000, together with the amount of financial protection required of the contractor.".

SEC. 7. COMPENSATION PLANS.

(a) IN GENERAL.—Section 170 i. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(i)) is amended to read as follows:

"i. COMPENSATION PLANS.—(1) After any nuclear incident involving damages that are likely to exceed the applicable amount of aggregate public liability under subparagraph (A), (B), or (C) of subsection e. (1), the Secretary or the Commission, as appropriate, shall—

"(A) make a survey of the causes and extent of damage; and

"(B) expeditiously submit a report setting forth the results of such survey to the Congress, to the Representatives of the affected districts, to the Senators of the affected States, and (except for information that will cause serious damage to the national defense of the United States) to the public, to the parties involved, and to the courts.

"(2) Not later than 90 days after any determination by a court, pursuant to subsection o., that the public liability from a single nuclear incident may exceed the applicable amount of aggregate public liability under subparagraph (A), (B), or (C) of subsection e. (1) the President shall submit to the Congress—

"(A) an estimate of the aggregate dollar value of personal injuries and property damage that arises from the nuclear incident and exceeds the amount of aggregate public liability under subsection e. (1);

"(B) recommendations for additional sources of funds to pay claims exceeding the applicable amount of aggregate public liability under subparagraph (A), (B), or (C) of subsection e. (1), which recommendations shall consider a broad range of possible sources of funds (including possible revenue measures on the sector of the economy, or on any other class, to which such revenue measures might be applied);

"(C) 1 or more compensation plans, that either individually or collectively shall provide for full and prompt compensation for all valid claims and contain a recommendation or recommendations as to the relief to be provided, including any recommendations that funds be allocated or set aside for the payment of claims that may arise as a result of latent injuries that may not be discovered until a later date; and

"(D) any additional legislative authorities necessary to implement such compensation plan or plans.

"(3)(A) Any compensation plan transmitted to the Congress pursuant to paragraph (2) shall bear an identification number and shall be transmitted to both Houses of Congress on the same day and to each House while it is in session.

"(B) The provisions of paragraphs (4) through (6) shall apply with respect to consideration in the Senate of any compensation plan transmitted to the Senate pursuant to paragraph (2).

"(4) No such compensation plan may be considered approved for purposes of subsection 170 e. (2) unless between the date of transmittal and the end of the first period of sixty calendar days of continuous session of Congress after the date on which such action is transmitted to the Senate, the Senate passes a resolution described in paragraph 6 of this subsection.

"(5) For the purpose of paragraph (4) of this subsection—

"(A) continuity of session is broken only by an adjournment of Congress sine die; and

"(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day calendar period.

"(6)(A) This paragraph is enacted—

"(i) as an exercise of the rulemaking power of the Senate and as such it is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of resolutions described by subparagraph (B) and it supersedes other rules only to the extent that it is inconsistent therewith; and

"(ii) with full recognition of the constitutional right of the Senate to change the rules at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

"(B) For purposes of this paragraph, the term 'resolution' means only a joint resolution of the Congress the matter after the resolving clause of which is as follows: 'That the approves the compensation plan numbered submitted to the Congress on , 19 .', the first blank space therein being filled with the name of the resolving House and the other blank spaces being appropriately filled; but does not include a resolution which specifies more than one compensation plan.

"(C) A resolution once introduced with respect to a compensation plan shall immediately be referred to a committee (and all resolutions with respect to the same compensation plan shall be referred to the same committee) by the President of the Senate.

"(D)(i) If the committee of the Senate to which a resolution with respect to a compensation plan has been referred has not reported it at the end of twenty calendar days after its referral, it shall be in order to move either to discharge the committee from further consideration of such resolution or to discharge the committee from further consideration with respect to such compensation plan which has been referred to the committee.

"(ii) A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same compensation plan), and debate thereon shall be limited to not more than one hour, to be divided equally between those

favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

"(iii) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same compensation plan.

"(E)(i) When the committee has reported, or has been discharged from further consideration of, a resolution, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

"(ii) Debate on the resolution referred to in clause (i) of this subparagraph shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing such resolution. A motion further to limit debate shall not be debatable. An amendment to, or motion to recommit, the resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which such resolution was agreed to or disagreed to.

"(F)(i) Motions to postpone, made with respect to the discharge from committee, or the consideration of a resolution or motions to proceed to the consideration of other business, shall be decided without debate.

"(ii) Appeals from the decision of the Chair relating to the application of the rules of the Senate to the procedures relating to a resolution shall be decided without debate.".

(b) CONFORMING AMENDMENT.—Section 170 o. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(o)) is amended—

(1) in the matter preceding paragraph (1), by striking "subsection 170 e.:" and inserting "the applicable limit of liability under subparagraph (A), (B), or (C) of subsection e. (1):"; and

(2) by striking paragraph (4).

SEC. 8. DATE OF EXEMPTION FROM FINANCIAL PROTECTION REQUIREMENT.

Section 170 k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended—

(1) by striking "August 1, 1987" each place it appears and inserting "August 1, 2002"; and

(2) by striking "excluding cost of investigating and settling claims and defending suits for damage;" in paragraph (1) and inserting "including such legal costs of the licensee as are approved by the Commission;".

SEC. 9. PRESIDENTIAL COMMISSION ON CATASTROPHIC NUCLEAR ACCIDENTS.

Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended by striking subsection 1. and inserting the following:

"1. PRESIDENTIAL COMMISSION ON CATATROPHIC NUCLEAR ACCIDENTS.—(1) Not later than 90 days after the date of the enactment of the Price-Anderson Amendments Act of 1988, the President shall establish a commission (in this subsection referred to as the 'study commission') in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) to study means of fully compensating victims of a catastrophic nuclear accident that exceeds the amount of aggregate public liability under subsection e. (1).

"(2)(A) The study commission shall consist of not less than 7 and not more than 11 members, who—

"(i) shall be appointed by the President; and

"(ii) shall be representative of a broad range of views and interests.

"(B) The members of the study commission shall be appointed in a manner that ensures that not more than a mere majority of the members are of the same political party.

"(C) Each member of the study commission shall hold office until the termination of the study commission, but may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(D) Any vacancy in the study commission shall be filled in the manner in which the original appointment was made.

"(E) The President shall designate one of the members of the study commission as chairperson, to serve at the pleasure of the President.

"(3) The study commission shall conduct a comprehensive study of appropriate means of fully compensating victims of a catastrophic nuclear accident that exceeds the amount of aggregate public liability under subsection e. (1), and shall submit to the Congress a final report setting forth—

"(A) recommendations for any changes in the laws and rules governing the liability or civil procedures that are necessary for the equitable, prompt, and efficient resolution and payment of all valid damage claims, including the advisability of adjudicating public liability claims through an administrative agency instead of the judicial system;

"(B) recommendations for any standards or procedures that are necessary to establish priorities for the hearing, resolution, and payment of claims when awards are likely to exceed the amount of funds available within a specific time period; and

"(C) recommendations for any special standards or procedures necessary to decide and pay claims for latent injuries caused by the nuclear incident.

"(4)(A) The chairperson of the study commission may appoint and fix the compensation of a staff of such persons as may be necessary to discharge the responsibilities of the study commission, subject to the applicable provisions of the Federal Advisory Committee Act (5 U.S.C. App.) and title 5, United States Code.

"(B) To the extent permitted by law and requested by the chairperson of the study commission, the Administrator of General Services shall provide the study commission with necessary administrative services, facilities, and support on a reimbursable basis.

"(C) The Attorney General, the Secretary of Health and Human Services, and the Director of the Federal Emergency Management Agency shall, to the extent permitted by law and subject to the availability of funds, provide the study commission with such facilities, support, funds and services, including staff, as may be necessary for the effective performance of the functions of the study commission.

"(D) The study commission may request any Executive agency to furnish such information, advice, or assistance as it determines to be necessary to carry out its functions. Each such agency is directed, to the extent permitted by law, to furnish such information, advice or assistance upon request by the chairperson of the study commission.

"(E) Each member of the study commission may receive compensation at the maximum rate prescribed by the Federal Advisory Committee Act (5 U.S.C. App.) for each day such member is engaged in the work of the study commission. Each member may also receive travel expenses, including per diem in lieu of subsistence under sections 5702 and 5703 of title 5, United States Code.

"(F) The functions of the President under the Federal Advisory Committee Act (5 U.S.C. App.) that are applicable to the study commission, except the function of reporting annually to the Congress, shall be performed by the Administrator of General Services.

"(5) The final report required in paragraph (3) shall be submitted to the Congress not later than the expiration of the 2-year period beginning on the date of the enactment of the Price-Anderson Amendments Act of 1988.

"(6) The study commission shall terminate upon the expiration of the 2-month period beginning on the date on which the final report required in paragraph (3) is submitted.".

SEC. 10. WAIVER OF DEFENSES.

(a) STATUTE OF LIMITATIONS.—Section 170 n. (1) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(n)(1)) is amended in clause (iii) of the first sentence by striking the following: ", but in no event more than twenty years after the date of the nuclear incident".

"(b) APPLICABILITY.—Section 170 n. (1) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(n)(1)) is amended—

(1) by redesignating subparagraphs (a), (b), and (c) as subparagraphs (A), (B), and (C), respectively;

(2) by striking "or" at the end of subparagraphs (A) and (B); and

(3) by inserting after subparagraph (C) the following new subparagraphs:

"(D) arises out of, results from, or occurs in the course of, the construction, possession, or operation of any facility licensed under section 53, 63, or 81, for which the Commission has imposed as a condition of the license a requirement that the licensee have and maintain financial protection under subsection a.,

"(E) arises out of, results from, or occurs in the course of, transportation of source material, byproduct material, or special nuclear material to or from any facility licensed under sections 53, 63, or 81, for which the Commission has imposed as a condition of the license a requirement that the licensee have and maintain financial protection under subsection a., or

"(F) arises out of, results from, or occurs in the course of nuclear waste activities.".

SEC. 11. JUDICIAL REVIEW OF CLAIMS ARISING OUT OF A NUCLEAR INCIDENT.

(a) CONSOLIDATION OF CLAIMS.—Section 170 n. (2) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(n)(2)) is amended—

(1) in the first sentence—

(A) by striking "an extraordinary nuclear occurrence" each place it appears and inserting "a nuclear incident"; and

(B) by striking "the extraordinary nuclear occurrence" each place it appears and inserting "the nuclear incident";

(2) in the second sentence, by inserting after "court" the first place it appears the following: "(including any such action pending on the date of the enactment of the Price-Anderson Amendments Act of 1988)"; and

(3) by adding at the end the following new sentence: "In any action that is or becomes removable pursuant to this paragraph, a petition for removal shall be filed within the

period provided in section 1446 of title 28, United States Code, or within the 30-day period beginning on the date of the enactment of the Price-Anderson Amendments Act of 1988, whichever occurs later.".

(b) DEFINITION OF PUBLIC LIABILITY ACTION.—Section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014), as previously amended by this Act, is further amended by adding at the end the following new subsection:

"hh. The term 'public liability action', as used in section 170, means any suit asserting public liability. A public liability action shall be deemed to be an action arising under section 170, and the substantive rules for decision in such action shall be derived from the law of the State in which the nuclear incident involved occurs, unless such law is inconsistent with the provisions of such section.".

(c) SPECIAL CASELOAD MANAGEMENT PANEL.—Section 170 n. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(n)) is amended by adding at the end the following new paragraph:

"(3)(A) Following any nuclear incident, the chief judge of the United States district court having jurisdiction under paragraph (2) with respect to public liability actions (or the judicial council of the judicial circuit in which the nuclear incident occurs) may appoint a special caseload management panel (in this paragraph referred to as the 'management plan') to coordinate and assign (but not necessarily hear themselves) cases arising out of the nuclear incident, if—

"(i) a court, acting pursuant to subsection o., determines that the aggregate amount of public liability is likely to exceed the amount of primary financial protection available under subsection b. (or an equivalent amount in the case of a contractor indemnified under subsection d.); or

"(ii) the chief judge of the United States district court (or the judicial council of the judicial circuit) determines that cases arising out of the nuclear incident will have an unusual impact on the work of the court.

"(B)(i) Each management panel shall consist only of members who are United States district judges or circuit judges.

"(ii) Members of a management panel may include any United States district judge or circuit judge of another district court or court of appeals, if the chief judge of such other district court or court of appeals consents to such assignment.

"(C) It shall be the function of each management panel—

"(i) to consolidate related or similar claims for hearing or trial;

"(ii) to establish priorities for the handling of different classes of cases;

"(iii) to assign cases to a particular judge or special master;

"(iv) to appoint special masters to hear particular types of cases, or particular elements or procedural steps of cases;

"(v) to promulgate special rules of court, not inconsistent with the Federal Rules of Civil Procedure, to expedite cases or allow more equitable consideration of claims;

"(vi) to implement such other measures, consistent with existing law and the Federal Rules of Civil Procedure, as will encourage the equitable, prompt, and efficient resolution of cases arising out of the nuclear incident; and

"(vii) to assemble and submit to the President such data, available to the court, as may be useful in estimating the aggregate damages from the nuclear incident.".

(d) LEGAL COSTS.—

(1) PAYMENT CRITERIA.—Section 170 o. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(o)), as previously amended by this Act, is further amended by—

(A) inserting after the subsection designation the following: "PLAN FOR DISTRIBUTION OF FUNDS.—(1)";

(B) redesignating paragraphs (1) through (3) as subparagraphs (A) through (C); and

(C) adding at the end the following:

"(D) A court may authorize payment of only such legal costs as are permitted under paragraph (2) from the amount of financial protection required by subsection b.

"(E) If the sum of public liability claims and legal costs authorized under paragraph (2) arising from any nuclear incident exceeds the maximum amount of financial protection required under subsection b., any licensee required to pay a standard deferred premium under subsection b. (1) shall, in addition to such deferred premium, be charged such an amount as is necessary to pay a pro rata share of such claims and costs, but in no case more than 5 percent of the maximum amount of such standard deferred premium described in such subsection.

"(2) A court may authorize the payment of legal costs under paragraph (1)(D) only if the person requesting such payment has—

"(A) submitted to the court the amount of such payment requested; and

"(B) demonstrated to the court—

"(i) that such costs are reasonable and equitable; and

"(ii) that such person has—

"(I) litigated in good faith;

"(II) avoided unnecessary duplication of effort with that of other parties similarly situated;

"(III) not made frivolous claims or defenses; and

"(IV) not attempted to unreasonably delay the prompt settlement or adjudication of such claims.".

(2) DEFINITION OF LEGAL COSTS.—Section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014), as previously amended by this Act, is further amended by adding at the end the following new subsection:

"jj. LEGAL COSTS.—As used in section 170, the term 'legal costs' means the costs incurred by a plaintiff or a defendant in initiating, prosecuting, investigating, settling, or defending claims or suits for damage arising under such section.".

SEC. 12. REPORTS TO CONGRESS BY NUCLEAR REGULATORY COMMISSION AND DEPARTMENT OF ENERGY.

Section 170 p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended—

(1) by inserting "(1)" after the subsection designation;

(2) by striking "shall submit to the Congress by August 1, 1983, a detailed report", and inserting the following: "and the Secretary shall submit to the Congress by August 1, 1998, detailed reports"; and

(3) by adding at the end the following new paragraph:

"(2) Not later than April 1 of each year, the Commission and the Secretary shall each submit an annual report to the Congress setting forth the activities under this section during the preceding calendar year.".

SEC. 13. LIABILITY OF LESSORS.

Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210), as previously amended by this Act, is further amended by adding at the end the following new subsection:

"r. LIMITATION ON LIABILITY OF LESSORS.—No person under a bona fide lease of any utilization or production facility (or part thereof or undivided interest therein) shall be liable by reason of an interest as lessor of such production or utilization facility, for any legal liability arising out of or resulting from a nuclear incident resulting from such facility, unless such facility is in the actual possession and control of such person at the time of the nuclear incident giving rise to such legal liability.".

SEC. 14. PUNITIVE DAMAGES.

Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210), as previously amended by this Act, is further amended by adding at the end the following new subsection:

"s. LIMITATION ON PUNITIVE DAMAGES.—No court may award punitive damages in any action with respect to a nuclear incident or precautionary evacuation against a person on behalf of whom the United States is obligated to make payments under an agreement of indemnification covering such incident or evacuation.".

SEC. 15. INFLATION ADJUSTMENT.

Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210), as previously amended by this Act, is further amended by adding at the end the following new subsection:

"t. INFLATION ADJUSTMENT.—(1) The Commission shall adjust the amount of the maximum standard deferred premium under subsection b. (1) not less than once during each 5-year period following the date of the enactment of the Price-Anderson Amendments Act of 1988, in accordance with the aggregate percentage change in the Consumer Price Index since—

"(A) such date of enactment, in the case of the first adjustment under this subsection; or

"(B) the previous adjustment under this subsection.

"(2) For purposes of this subsection, the term 'Consumer Price Index' means the Consumer Price Index for all urban consumers published by the Secretary of Labor.".

SEC. 16. TECHNICAL AND CONFORMING AMENDMENTS.

(a) REFERENCES TO NUCLEAR REGULATORY COMMISSION.—

(1) Section 11 q. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(q)) is amended by striking "Commission" each place it appears and inserting "Nuclear Regulatory Commission".

(2) Section 170 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(a)) is amended by striking "Commission" in the first sentence and inserting the following: "Nuclear Regulatory Commission (in this section referred to as the 'Commission')".

(b) REFERENCES TO SECRETARY OF ENERGY.—

(1) Subsections j. and m. of section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014) are amended by striking "Commission" each place it appears and inserting the following: "Nuclear Regulatory Commission or the Secretary of Energy, as appropriate,".

(2) Section 11 t. (2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(t)(2)) is amended by striking "Commission" and inserting "Secretary of Energy".

(3) Section 170 f. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(f)) is amended by inserting after "Commission" the first 2 places it appears the following: "or the Secretary, as appropriate,".

(4) Subsections g., h., j., and m. of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) are amended by inserting after "Commission" each place it appears the following: "or the Secretary, as appropriate,".

(5) Section 170 n. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(n)) is amended—

(A) in paragraph (1)—

(i) by striking "Commission" in subparagraph (C) and inserting "Department of Energy"; and

(ii) by inserting after "Commission" the second place it appears the following: "or the Secretary, as appropriate,"; and

(B) in paragraph (2), by inserting after "Commission" the following: "or the Secretary, as appropriate".

(6) Section 170 o. (1)(C), as redesignated by section 11(d)(1) of the bill, is amended—

(A) by inserting after "Commission" the first place it appears the following: "or the Secretary, as appropriate,"; and

(B) by inserting after "Commission" the second place it appears the following: "or the Secretary as appropriate".

(c) REFERENCES TO REVISED STATUTES.—

(1) Section 170 g. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(g)) is amended by inserting "(41 U.S.C. 5)" after "Statutes".

(2) Section 170 j. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(j)) is amended by striking "section 3679 of the Revised Statutes, as amended" and inserting the following: "sections 1341, 1342, 1349, 1350, and 1351, and subchapter II of chapter 15, of title 31, United States Code".

(d) INTERNAL CROSS-REFERENCES.—

(1) Section 11 q. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(q)) is amended by striking "subsection each place it appears and inserting "section".

(2) Section 11 t. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(t)) is amended by striking "subsection" each place it appears and inserting "section".

(3) Section 11 w. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(w)) is amended by striking "subsections 170 a., c., and k." and inserting "subsections a., c., and k. of section 170".

(4) Section 170 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(a)) is amended—

(A) in the first sentence, by striking "subsection 2 i. of the Atomic Energy Act of 1954, as amended" and inserting "section 2 i.";

(B) in the first sentence, by striking "subsection 170 b." and inserting "subsection b."; and

(C) in the second sentence, by striking "subsection 170 c." and inserting "subsection c.".

(5) Section 170 k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended in the first sentence by striking "subsection 170 a." and inserting "subsection a.".

(6) Section 170 n. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(n)(1)) is amended in the last sentence by striking "subsection 170 e." and inserting "subsection e.".

(7) Section 170 o. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(o)) is amended in subparagraph (B), as redesignated by section 11(d)(1) of the bill, by striking "subparagraph (3) of this subsection (o)" and inserting "subparagraph (C)".

(e) SUBSECTION CAPTIONS.—

(1) Section 170 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(a)) is amended by inserting after the subsection designation the following: "REQUIREMENT OF FINANCIAL PROTECTION FOR LICENSEES.—

(2) Section 170 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)) is amended by inserting after the subsection designation the following: "AMOUNT AND TYPE OF FINANCIAL PROTECTION FOR LICENSEES.—".

(3) Section 170 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended by inserting after the subsection designation the following: "INDEMNIFICATION OF LICENSES BY NUCLEAR REGULATORY COMMISSION.—".

(4) Section 170 f. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(f)) is amended by inserting after the subsection designation the following: "COLLECTION OF FEES BY NUCLEAR REGULATORY COMMISSION.—".

(5) Section 170 g. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(g)) is amended by inserting after the subsection designation the following: "USE OF SERVICES OF PRIVATE INSURERS.—".

(6) Section 170 h of the Atomic Energy Act of 1954 (42 U.S.C. 2210(h)) is amended by inserting after the subsection designation the following: "CONDITIONS OF AGREEMENTS OF INDEMNIFICATION.—".

(7) Section 170 j. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(j)) is amended by inserting after the subsection designation the following: "CONTRACTS IN ADVANCE OF APPROPRIATIONS.—".

(8) Section 170 k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k) is amended by inserting after the subsection designation the following: "EXEMPTION FROM FINANCIAL PROTECTION REQUIREMENT FOR NONPROFIT EDUCATIONAL INSTITUTIONS.—".

(9) Section 170 m. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(m)) is amended by inserting after the subsection designation the following: "COORDINATED PROCEDURES FOR PROMPT SETTLEMENT OF CLAIMS AND EMERGENCY ASSISTANCE.—".

(10) Section 170 n. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(n)) is amended by inserting after the subsection designation the following: "WAIVER OF DEFENSES AND JUDICIAL PROCEDURES.—".

(11) Section 170 p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by inserting after the subsection designation the following: "REPORTS TO CONGRESS.—".

SEC. 17. CIVIL PENALTIES.

The Atomic Energy Act of 1954, as amended, is further amended by adding a new section 234A as follows:

"SEC. 234A. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS.—a. Any person who has entered into an agreement of indemnification under subsection 170 d. (or any subcontractor or supplier thereto) who violates (or whose employee violates) any applicable rule, regulation or order related to nuclear safety prescribed or issued by the Secretary of Energy pursuant to this Act (or expressly incorporated by reference by the Secretary for purposes of nuclear safety, except any rule, regulation, or order issued by the Secretary of Transportation) shall be subject to a civil penalty of not to exceed $100,000 for each such violation. If any violation under this subsection is a continuing one, each day of such violation shall constitute a separate violation for the purpose of computing the applicable civil penalty.

"b. (1) The Secretary shall have the power to compromise, modify or remit, with or without conditions, such civil penalties and to prescribe regulations as he may deem necessary to implement this section.

"(2) In determining the amount of any civil penalty under this subsection, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require. In implementing this section, the Secretary shall determine by rule whether nonprofit educational institutions should receive automatic remission of any penalty under this section.

"c. (1) Before issuing an order assessing a civil penalty against any person under this section, the Secretary shall provide to such person notice of the proposed penalty. Such notice shall inform such person of his opportunity to elect in writing within thirty days after the date of receipt of such notice to have the procedures of paragraph (3) (in lieu of those of paragraph (2)) apply with respect to such assessment.

"(2)(A) Unless an election is made within thirty calendar days after receipt of notice under paragraph (1) to have paragraph (3) apply with respect to such penalty, the Secretary shall assess the penalty, by order, after a determination of violation has been made on the record after an opportunity for an agency hearing pursuant to section 554 of title 5, United States Code, before an administrative law judge appointed under section 3105 of such title 5. Such assessment order shall include the administrative law judge's findings and the basis for such assessment.

"(B) Any person against whom a penalty is assessed under this paragraph may, within sixty calendar days after the date of the order of the Secretary assessing such penalty, institute an action in the United States court of appeals for the appropriate judicial circuit for judicial review of such order in accordance with chapter 7 of title 5, United States Code. The court shall have jurisdiction to enter a judgment affirming, modifying, or setting aside in whole or in part, the order of the Secretary, or the court may remand the proceeding to the Secretary for such further action as the court may direct.

"(3)(A) In the case of any civil penalty with respect to which the procedures of this paragraph have been elected, the Secretary shall promptly assess such penalty, by order, after the date of the election under paragraph (1).

"(B) If the civil penalty has not been paid within sixty calendar days after the assessment order has been made under subparagraph (A), the Secretary shall institute an action in the appropriate district court of the United States for an order affirming the assessment of the civil penalty. The court shall have authority to review de novo the law and facts involved, and shall have jurisdiction to enter a judgment enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part, such assessment.

"(C) Any election to have this paragraph apply may not be revoked except with consent of the Secretary.

"(4) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order under paragraph (2), or after the appropriate district court has entered final judgment in favor of the Secretary under paragraph (3), the Secretary shall institute an action to recover the amount of such penalty in any appropriate district court of the United States. In such action, the validity and appropriateness of such final assessment order or judgment shall not be subject to review.

"d. The provisions of this section shall not apply to:

"(1) The University of Chicago (and any subcontractors or suppliers thereto) for activities associated with Argonne National Laboratory;

"(2) The University of California (and any subcontractors or suppliers thereto) for activities associated with Los Alamos National Laboratory, Lawrence Livermore National Laboratory, and Lawrence Berkeley National Laboratory;

"(3) American Telephone and Telegraph Company and its subsidiaries (and any subcontractors or suppliers thereto) for activities associated with Sandia National Laboratories;

"(4) Universities Research Association, Inc. (and any subcontractors or suppliers thereto) for activities associated with FERMI National Laboratory;

"(5) Princeton University (and any subcontractors or suppliers thereto) for activities associated with Princeton Plasma Physics Laboratory;

"(6) The Associated Universities, Inc. (and any subcontractors or suppliers thereto) for activities associated with the Brookhaven National Laboratory; and

"(7) Battelle Memorial Institute (and any subcontractors or suppliers thereto) for activities associated with Pacific Northwest Laboratory.".

SEC. 18. CRIMINAL PENALTIES.

Section 223 of the Atomic Energy Act of 1954, as amended, is further amended by adding a new subsection c. as follows:

"c. Any individual director, officer or employee of a person indemnified under an agreement of indemnification under section 170 d. (or of a subcontractor or supplier thereto) who, by act or omission, knowingly and willfully violates or causes to be violated any section of this Act or any applicable nuclear safety-related rule, regulation or order issued thereunder by the Secretary of Energy (or expressly incorporated by reference by the Secretary for purposes of nuclear safety, except any rule, regulation, or order issued by the Secretary of Transportation), which violation results in or, if undetected, would have resulted in a nuclear incident as defined in subsection 11 q. shall, upon conviction, notwithstanding section 3571 of title 18, United States Code, be subject to a fine of not more than $25,000, or to imprisonment not to exceed two years, or both. If the conviction is for a violation committed after the first conviction under this subsection, notwithstanding section 3571 of title 18, United States Code, punishment shall be a fine of not more than $50,000, or imprisonment for not more than five years, or both.".

SEC. 19. NEGOTIATED RULEMAKING ON FINANCIAL PROTECTION FOR RADIOPHARMACEUTICAL LICENSEES.

(a) RULEMAKING PROCEEDING.—

(1) PURPOSE.—The Nuclear Regulatory Commission (hereafter in this section referred to as the "Commission") shall initiate a proceeding, in accordance with the requirements of this section, to determine whether to enter into indemnity agreements under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) with persons licensed by the Commission under section 81, 104(a), or 104(c) of the Atomic Energy Act of 1954 (42 U.S.C. 2111, 2134(a), and 2134(c)) or by a State under section 274(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2021(b)) for the manufacture, production, possession, or use of radioisotopes or radiopharmaceuticals for medical purposes (hereafter in this section referred to as "radiopharmaceutical licensees").

(2) FINAL DETERMINATION.—A final determination with respect to whether radiopharmaceutical licensees, or any class of such licensees, shall be indemnified pursuant to section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and if so, the terms and conditions of such indemnification, shall be rendered by the Commission within 18 months of the date of the enactment of this Act.

(b) NEGOTIATED RULEMAKING.—

(1) ADMINISTRATIVE CONFERENCE GUIDELINES.—For the purpose of making the determination required under subsection (a), the Commission shall, to the extent consistent with the provisions of this Act, conduct a negotiated rulemaking in accordance with the guidance provided by the Administrative Conference of the United States in Recommendation 82-4, "Procedures for Negotiating Proposed Regulations" (42 Fed. Reg. 30708, July 15, 1982).

(2) DESIGNATION OF CONVENER.—Within 30 days of the date of the enactment of this Act, the Commission shall designate an individual or individuals recommended by the Administrative Conference of the United States to serve as a convener for such negotiations.

(3) SUBMISSION OF RECOMMENDATIONS OF THE CONVENER.—The convener shall, not later than 7 months after the date of the enactment of this Act, submit to the Commission recommendations for a proposed rule regarding whether the Commission should enter into indemnity agreements under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) with radiopharmaceutical licensees and, if so, the terms and conditions of such indemnification. If the convener recommends that such indemnity be provided for radiopharmaceutical licensees, the proposed rule submitted by the convener shall set forth the procedures for the execution of indemnification agreements with radiopharmaceutical licensees.

(4) PUBLICATION OF RECOMMENDATIONS AND PROPOSED RULE.—If the convener recommends that such indemnity be provided for radiopharmaceutical licensees, the Commission shall publish the recommendations of the convener submitted under paragraph (3) as a notice of proposed rulemaking within 30 days of the submission of such recommendations under such paragraph.

(5) ADMINISTRATIVE PROCEDURES.—To the extent consistent with the provisions of this Act, the Commission shall conduct the proceeding required under subsection (a) in accordance with section 553 of title 5, United States Code.

SEC. 20. EFFECTIVE DATE.

(a) Except as provided in subsection (b), the amendments made by this Act shall become effective on the date of the enactment of this Act and shall be applicable with respect to nuclear incidents occurring on or after such date.

(b)(1) The amendments made by section 11 shall apply to nuclear incidents occurring before, on, or after the date of the enactment of this Act.

(2)(A) Section 234A of the Atomic Energy Act of 1954 shall not apply to any violation occurring before the date of the enactment of this Act.

(B) Section 223c. of the Atomic Energy Act of 1954 shall not apply to any violation occurring before the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. UDALL] will be recognized for 30 minutes and the gentleman from New York [Mr. LENT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Speaker, three different committees are involved in this important legislation, and there is a total of 1 hour for debate. I will manage 10 minutes and will yield 10 minutes each to the managers for the Committee on Energy and Commerce and the Committee on Science, Space, and Technology, if that is agreeable, at the appropriate time.

Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the Price-Anderson Act has served this Nation well for 31 years. The act ensures that adequate funds will be available to compensate the public in the event of a nuclear accident. It streamlines the claims process to ensure speedy compensation for victims; and it provides a mechanism to ensure that these funds are available regardless of the financial health of the responsible party.

Although the Price-Anderson Act is permanent authority, the key to Price-Anderson coverage—the authority of the Nuclear Regulatory Commission and the Department of Energy to enter into indemnification agreements with their licensees and contractors—expired last year, on August 1, 1987.

All nuclear powerplants now operating or under construction are already covered by Price-Anderson, so missing the August 1987 deadline has had no effect on the commercial power program. The Government's defense program, however, is another matter. Several of the contracts under which private firms do work for the Government's Nuclear Defense Program have expired since last August. These include contracts for the operation of the Lawrence Livermore Laboratory in California, the Los Alamos Laboratory in New Mexico, Brookhaven Laboratory in New York, the Portsmouth, OH, uranium enrichment plant, and the Nevada test site. Many more defense contracts will expire this fall, including contracts for important nuclear weapons production work in Pinellas, FL, and Savannah River, SC.

Without authority to indemnify contractors under Price-Anderson, the Government has had to indemnify them under Public Law 85-804, which frankly is not as good as Price-Anderson. For one reason, many accidents covered by Price-Anderson are not covered by Public Law 85-804. Price-Anderson requires the Government to compensate victims even if the accident was caused by a subcontractor or supplier rather than the prime contractor. Public Law 85-804 does not. For another reason, it is harder for victims to collect under Public Law 85-804 than under Price-Anderson. Price-Anderson requires the contractor to waive many legal defenses; Public Law 85-804 does not.

Mr. Speaker, we have been down a long and difficult road with this bill. My committee began hearings on it over 4 years ago. We were within one amendment of bringing it to the floor in the last Congress but failed. After a lot of hard work by three committees, we were able to bring a good bill to the House floor last year. By the overwhelming vote of 396 to 17, the House passed the bill on July 30 of last year. The Senate adopted the House bill in April with only seven amendments. Since then we have tried to resolve the remaining differences through informal discussions. From these discussions we have developed the pending substitute. At this point, I would like to submit for the RECORD a list of the differences between the House and Senate and how the substitute resolves those differences.

A whole year has passed since the House approved this bill. We cannot afford further delay. Already one contractor, DuPont, which has run the Savannah River Plant since Harry Truman told DuPont the Nation's security depended on it, has refused to renew its contract. DuPont cited Congress' failure to renew Price-Anderson as one reason for its decision. The General Electric Co., which runs the Pinellas, FL, plant has announced it will not renew its contract unless Congress renews Price-Anderson by September 1.

In addition, if there is an accident at a nuclear powerplant or a Government defense plant before Congress acts, the public will be assured of only about $720 million or $500 million, respectively, in compensation instead of over $7 billion, as provided by this bill.

Mr. Speaker, I urge my colleagues to adopt the motion.

Mr. Speaker, I would like to address a concern that has been raised about the interpretation of section 13 of the bill. That section simply provides that the lessor in a sale-and-leaseback financing transaction does not become liable under Price-Anderson merely on the basis of the lessor's equity interest. The section confirms existing law. It was added to the bill to give assurance to companies financing nuclear powerplants through sale-and-leaseback transactions that they would not assume the liability for an accident at a nuclear powerpant just because they have a financial relationship with the licensed operator of the plant.

Section 13 speaks only of sale-and-leaseback transactions involving "facilities" because the only examples of such transactions presented to the committee at the time involved nuclear powerplants. It has since come to our attention that the fuel rods used in nuclear powerplants often are financed through sale-and-leaseback transactions. While section 13 does not expressly refer to sale-and-leaseback transactions involving nuclear fuel or other materials, it should not be read as making fuel lessors liable. Such a result would be inconsistent with existing law, which section 13 does not change.

SUMMARY OF AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 1414

(1) CIVIL AND CRIMINAL PENALTIES AMENDMENT

Senate amendment: Authorizes civil fines up to $100,000 per violation per day for violating DOE safety rules; and criminal fines of up to $25,000 per violation per day and prison terms up to 2 years ($50,000 fines and 5-year terms for repeat offenders) for willful violation of DOE safety rules.

House bill: Authorized a study of penalties but did not impose penalties.

Substitute: Accepts Senate amendment with a conforming amendment striking the House study.

(2) LIMITATION ON WASTE ACCIDENT LIABILITY AMENDMENT

Senate amendment: Strikes the House bill's special provisions waiving liability limits on nuclear waste accidents. Waste accidents would be subject to the same limit on liability as other DOE-contractor accidents and utility accidents (over $7 billion).

House bill: Limits liability for all nuclear accidents (waste accidents, other DOE-contractor accidents and utility accidents) to over $7 billion, but waives the limit for waste accidents if damages exceed the limit and if Congress does not enact a compensation plan within one year after the President submits the plan.

Substitute: Accepts Senate amendment.

(3) RADIOPHARMACIES AMENDMENT

Senate amendment: Exempts NRC and state licensees making or dispensing nuclear medicine from insurance requirements and requires NRC to indemnify all such licensees for liability over $250,000, up to $500 million.

House bill: No provision.

Substitute: Requires the NRC to conduct a rulemaking to determine whether to indemnify radiopharmacies under existing authority.

(4) SOVEREIGN IMMUNITY AMENDMENT

Senate amendment: Allows victims to sue the Government under Price-Anderson for nuclear waste accidents caused by DOE.

House bill: No provision, thus preserving current law which permits suits under Price-Anderson only against private parties and suits against the Government only under the Federal Tort Claims Act.

Substitute: Rejects Senate amendment.

(5) EXPEDITED PROCEDURES AMENDMENT

Senate amendment: Establishes expedited procedures for House and Senate to consider Presidential plan to compensate liability exceeding the $7 billion limit. These procedures limit committee consideration to 20 calendar days.

House bill: No provision.

Substitute: Accepts expedited procedures for the Senate; rejects expedited procedures for the House.

(6) LENGTH OF EXTENSION AMENDMENT

Senate amendment: Extends the Price-Anderson Act for both DOE contractors and NRC licensees for 20 years.

House bill: Extends Price-Anderson for DOE contractors for 12 years and NRC licensees for 10 years.

Substitute: Compromises at 15 years for both DOE contractors and NRC licensees.

(7) RETROACTIVITY AMENDMENT

Senate: Applies the new Price-Anderson amendments to DOE contracts executed after the prior Act expired last August.

House bill: No provision.

Substitute: Adopts alternative amendment requiring all DOE nuclear contracts to be covered by Price-Anderson as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. LENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation to authorize and extend the Price-Anderson Act does exactly what Congress intended when it enacted the Price-Anderson Act in 1957—it ensures that adequate funds will be available to compensate the public for injuries resulting from nuclear activities. H.R. 1414, as passed, increases the amount of funds available to the public in the unlikely event of an accident from $720 million to $7 billion. Nuclear accident liability of contractors indemnified by the Department of Energy, which is now limited to $500 million, would also be increased to $7 billion.

Furthermore, due to the fact that defendants are required under the Price-Anderson compensation system to waive defenses to which they would otherwise be entitled, payment of compensation would be expedient.

This legislation, furthermore, restores the Department of Energy's authority to indemnify nuclear defense contractors and the Nuclear Regulatory Commission's authority to include new commercial nuclear plants in the Price-Anderson insurance system. This authority which expired on August 1, 1987, will help preserve the nuclear energy option and assist the DOE in its negotiations with qualified contractors to continue nuclear defense activities.

For these reasons and the fact that the House amendment to this legislation extend the Price-Anderson coverage for 15 years, I urge my colleagues to vote for the amendment.

□ 1315

Mr. SHARP. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Speaker, I would like to enter into a colloquy with the gentleman from Indiana [Mr. SHARP].

Mr. Speaker, I would like to ask the gentleman from Indiana a question about section 17 of the proposed substitute. The Senate version of Price-Anderson would give the Secretary of Energy the authority to impose civil penalties on DOE nuclear contractors who violate DOE safety regulations. The Senate version does however exempt seven specified nonprofit DOE contractors from any such civil penalties and grants the Secretary the discretion to remit any penalty imposed on other contractors. My concern is

that Clemson University, the University of South Carolina, and the Medical University of South Carolina plan to be involved in work at the Savannah River Laboratory under the new Savannah River Plant contract, but that they will not be able to enter into a contract without assurances that they will not be subject to any monetary penalties.

My understanding is that section 17 of your substitute includes language that will be part of section 234Ab(2) of the Atomic Energy Act and provides that the Secretary of Energy shall promulgate a rule determining whether nonprofit educational institutions should receive an automatic remission of civil penalties. Is it the intent of the authors of this substitute that the Secretary will promulgate a rule immediately so that universities like Clemson, U.S.C., and the Medical University of South Carolina will know in advance whether they will be subject to monetary penalties?

Mr. SHARP. Mr. Speaker, if the gentleman will yield, that is correct. The substitute directs the Secretary to determine whether nonprofit educational institutions should be granted automatic remission of civil penalties.

Under the Senate provision, the Secretary's authority to initiate a civil penalty proceeding is discretionary. Further, the Secretary may take a variety of factors into consideration—such as a contractor's prior safety record—in determining whether to compromise, modify, or remit any such penalty.

Thus, the Senate provision already provides the Secretary with significant discretion. Under the circumstances, I think it is reasonable for the House to direct the Secretary to undertake a rulemaking to determine whether nonprofit educational institutions should receive automatic remission of civil penalties.

Mr. DERRICK. I thank the gentleman from Indiana. I want to express my appreciation to Chairman SHARP, Chairman UDALL, and Chairman DINGELL, for working with me to arrive at this compromise language. It does not expand the exemptions from civil penalties beyond what is provided in the Senate version, it merely calls for the Secretary to disclose in advance whether he will exercise authority granted him by the Senate provision to remit any monetary penalty. This is a fairly minor modification to the Senate provision, but I feel very strongly that it is an important modification that is crucial to the enactment of this legislation.

Mr. LENT. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MOORHEAD], the ranking minority member of the Subcommittee on Energy and Power.

Mr. MOORHEAD. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I wish to begin by thanking my colleagues who have worked on bringing this legislation to the floor today. I am referring in particular to Mr. DINGELL and Mr. SHARP from the Energy and Commerce Committee and Mr. UDALL and Mr. LUJAN from the Interior Committee.

There is an urgent need to pass legislation to reauthorize and extend the Price-Anderson Act as well as provide the public the additional benefits of H.R. 1414.

Congress enacted the Price-Anderson Act in 1957: First, to ensure that adequate funds would be available to compensate the public for injuries resulting from nuclear activities; and second, to remove the threat of unlimited liability for a nuclear accident which was deterring private industry from participating in nuclear activities. It is true that the Nation's nuclear power reactors and DOE nuclear facilities have an enviable safety record. However, if there were a nuclear accident the resulting damage could be extremely costly.

The Price-Anderson Act provides a comprehensive system of compensation for potential victims of a nuclear accident that is swift and more beneficial than compensation they would receive under today's tort law. The act, by placing a limitation on overall liability and by channeling all liability regardless of fault to the reactor which has an accident, assures the availability of substantial funds to provide prompt compensation to the public. With 112 reactors currently covered by the Price-Anderson Act, the nuclear industry would have to pay up to $720 million in compensation for an accident. H.R. 1414 would increase this compensation to approximately $7 billion. Nuclear accident liability of contractors indemnified by DOE is limited to $500 million by the Price-Anderson Act. H.R. 1414 requires DOE to indemnify all contractors conducting nuclear activities up to $7 billion.

In addition, in the case of a serious nuclear accident involving substantial off-site contamination, defendants are required under the present act to waive all defenses. This makes it easier for plaintiffs to recover.

However, the Price-Anderson's compensation system for new reactors and nuclear indemnification authority for DOE nuclear contractors expired August 1, 1987. While authority exists under current law for DOE indemnification of contractors, compensation for victims would be less predictable, less timely, and potentially inadequate compared to Price-Anderson compensation. One important difference is that current law does not require indemnified contractors to waive their legal defenses following an extraordinary nuclear occurrence. Public protection in the case of a nuclear accident is far superior under a renewal of the Price-Anderson system.

H.R. 1414, as passed by the Senate, was amended in several significant ways. I believe that with an appropriate compromise this bill will not only extend the needed Price-Anderson authority but improve the protection offered the public.

The most significant Senate amendment is section 4(c) of Senate-passed H.R. 1414. With this amendment the Secretary of Energy would be treated as a Government contractor for purposes of determining the Federal Government's potential liability in connection with certain activities relating to the storage and disposal of radioactive waste. I strongly oppose this amendment since it could be read as permitting the United States to be sued under the same terms and conditions as would be applied to one of its contractors. Such a waiver would ignore the liability scheme established by the Federal Tort Claims Act. Accordingly, this amendment is opposed by the Justice Department and the administration.

I also oppose the special exemptions from the financial protection requirements that the Senate-passed bill provides to licenses held by nuclear pharmacies and nuclear medicine departments. This special interest legislation would further require the NRC to indemnify such licensees for liability in excess of $250,000 up to $500 million. Such treatment of these particular licensees is inconsistent with the legislative history of the Price-Anderson Act concerning the financial protection requirements and would unduly burden the NRC with an increase in the number of licensees indemnified from about 145 to nearly 8,000. Instead of this Senate amendment, I support the proposed House amendment which requires the Nuclear Regulatory Commission to determine by negotiated rulemaking whether to enter into indemnity agreements with radiopharmaceutical licensees. I understand that the NRC has indicated that the materials at issue here contain extremely small amounts of radioactivity which for the most part decays naturally over a period of hours. This certainly questions the need to provide special legislation for these particular licensees.

I do oppose the Senate amendments to H.R. 1414 that authorize fines up to $100,000 per violation per day for violating DOE nuclear safety rules and criminal fines up to $25,000 per violation and prison terms up to 2 years.

I, furthermore, support the compromise proposal to extend Price-Anderson for both DOE contractors and NRC licensees for 15 years. This ex-

tension is longer than that proposed by H.R. 1414. This additional period will help provide needed stability to the nuclear energy option as well as DOE contracting activities.

To conclude, this legislation with the House amendment would extend the Price-Anderson coverage, provide additional coverage benefits to the public, preserve for the Secretary of energy the protection offered by the Federal Tort Claims Act and avoid unnecessary special treatment of nuclear pharmacies and hospital nuclear medicine departments.

I urge my colleagues to vote for the amendment.

Mr. UDALL. Mr. Speaker, I yield 10 minutes to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Speaker, I rise in support of the substitute.

The Senate's 16 amendments to H.R. 1414, in most instances, brought the legislation closer to the original recommendations of the Committee on Science, Space, and Technology, as reflected in House Report 100-104, part 2. Therefore, what the Senate did, overall, was to improve the bill.

The compromises and improvements to the Senate's recommendations that are included in this substitute retain much of what the Senate recommended as amendments. Therefore, the substitute moves closer to the original position of the Science Committee, and is also an improvement in the legislation.

For example, the Science Committee in two Congresses recommended that the act be extended for a longer period than 10 years. The Senate recommended 20 years and the substitute before us today increases the period to 15 years. This improves the bill.

Another example is that the Science Committee did not recommend the provision included in the House bill which would have treated nuclear waste contractors differently than other DOE contractors. The Senate struck this House provision and the substitute agrees with the Senate amendment.

Mr. Speaker, the substitute text to H.R. 1414 resolves 9 principle issues which have arisen due to the 16 amendments of the Senate. Chairman ROE and I concur in the resolution of eight of these issues, and must dissent in the resolution of one issue. The substitute takes the following action:

First, splits the difference on the period of extension and sets it at 15 years;

Second, deletes a House provision requiring, for the first time, appropriations to pay Government liabilities under the act;

Third, strikes a Senate provision, which was likely to invite a Presidential veto, requiring that Government employees to considered as contractors for Price-Anderson purposes;

Fourth, accepts a Senate amendment making the limit on liability the same for all DOE nuclear activities;

Fifth, allows the Senate to retain expedited procedures but strikes them for the House;

Sixth, compromises on 11 years as the appropriate deadline for the Congress to receive the reports of the DOE and NRC;

Seventh, requires DOE nuclear contractors to be indemnified only under Price-Anderson.

Eighth, requires as a compromise, NRC to conduct a rulemaking proceeding to determine the need to bring nuclear pharmacies under Price-Anderson coverage;

Ninth, adds civil and criminal penalties to DOE's enforcement authority over its contractors.

Although Chairman ROE and I have agreed in principle to all of these amendments in the substitute, the last one on civil penalties is not good law. We tend to agree with the executive branch that such penalties are not necessary, and possibly detrimental to the unique relationship between DOE and its laboratory operators needed to ensure safety. However, I believe the Senate provision, as well as the provision in the substitute, is flexible enough to permit broad discretion on the part of the Secretary either not to impose a civil penalty, and, if imposed, to allow the Secretary to modify or remit the penalty in whole or in part. Therefore, the civil penalty authority should not be harmful in and of itself.

The objectionable part of the civil penalty provision is section 17(d) of the substitute, which creates exemptions to the applicability of the Secretary's authority to levy civil penalties. This provision is poorly drafted, is unfair to certain contractors, is detrimental to broad industry participation in operating the laboratory system, and is anticompetitive in effect.

The substitute text in section 17(d) names some of the existing nonprofit and nominal profit contractors as exempt from any civil penalties. Although we find it rather peculiar to list any exemption to a provision thought necessary by the Senate to promote public safety, we can understand the perceived need to exempt some contractors because of the potential detriment to the DOE/laboratory relationship. Two competing goals have to be reconciled, and the Senate chose this flawed approach.

First of all, naming a specific person, as is done in section 17(d), to be exempt from the law, is in itself improper. The law should have general applicability and, any exemptions should be cast in terms of classes of people. But I am willing to live with this shortcoming as long as the list names everyone in the class. Unfortunately, the substitute does not name everyone in the contractor class who is either a nonprofit or educational institution.

Second, neither the Senate or the Interior or Commerce Committees have identified any good reason for discriminating against some of the nonprofit or educational contractors; such as Stanford University, Oak Ridge Associated Universities, Southeastern Universities Research Association, and there may be others that DOE has yet to identify. These contractors were left off the list because they weren't known to the Senate at the time the amendment was agreed to.

Third, the exemption provision in the substitute gives the exempted contractors unfair advantage over possible competing contractors when the laboratory contract is due for renewal. This occurs because successor contractors are not covered under the exemption. It is an advantage to be exempt from such a contingent liability and this fact will obviously be a factor in any bid to run a national laboratory.

Fourth, the fact that potential competitors will not have the exemption will have a distinct chilling effect on possible competitors. Those capable contractors who might otherwise be brought into the laboratory system will not be inclined to apply. The exemption list would, therefore, tend to be anticompetitive, preserving the status quo at the expense of the ability of the Government to find and choose the best operating contractors for the laboratories.

Having identified these problems, I sought the advice of the laboratories and the Department of Energy. There were no surprises in the responses, and, for purposes of brevity, I include only the DOE response in the RECORD at the end of my remarks. I will provide the laboratory responses to those who may be interested.

In summary, the laboratories with the exemptions wanted to preserve them. DOE didn't approve of the civil or criminal penalty provisions but thought that it had sufficient flexibility to administratively deal with the problems. I agree, but this is certainly no excuse for the Congress to enact poorly drafted legislation.

Because of the adamant position of the Senate regarding this provision, Mr. ROSE and I prepared an amendment which I thought called for minimal changes in its scope and form. Essentially, the amendment would add the three known contractors fitting the class of exemptees, and also add their successors, if they also fit the class; that is, nonprofits or educational institutions. This was rejected by the Senate, and, as a result, by the other two House committees of jurisdiction. My colleagues on the other two House committees did not wish to risk jeopardizing the expedient enactment of

this law because of the Senate's threatened rejection of my amendment. I believe it would have been healthy to force the Senate to deal with this issue.

There is a second problem with this substitute that has only recently been identified. I admit that it is a new issue and has not been fully considered by any committee of jurisdiction. However, its importance is not diminished by this oversight, especially considering that a chief purpose of the Price-Anderson Act is to protect the public.

Mr. Speaker, the substitute includes a substantial disincentive to assuring public safety that I believe should be eliminated.

The Science Committee has authorized the development in the Department of Energy of a new generation of nuclear reactor that promises to be a "fail safe" reactor. All the accidents considered by the Nuclear Regulatory Commission for current generation reactors would be foreclosed in this new generation reactor; foreclosed in the sense that gravity or other physical phenomena prevent the accident from occurring in the first place. This technology is precisely what this country needs to meet public demands, to fight the acid rain problem, to respond to the CO_2 problem, and to rekindle our Nation's nuclear energy option.

What we should be saying through this substitute bill is, "The Congress does not intend to discourage utilities from purchasing inherently safe reactors." This substitute bill is a 15-year reauthorization and these new reactors could be available within a decade. But the bill, as currently written, would discourage any utility from buying these reactors.

The bill authorizes the NRC to assess a $63 million retrospective premium against each reactor licensee in the event of an accident. One of the attractions of the modular reactor concept is that a utility would be able to buy smaller increments of capacity to better meet customer demands. If eight of these modular reactors were, over a period of years, added to a system so as to constitute a single 1,200-megawatt electric plant, then a utility might be faced with a total assessment of $504 million, instead of a single $63 million assessment for a single, current generation reactor.

This, obviously, would be a substantial disincentive for utilities to purchase the passively safe, modular reactors, instead of the larger sized, current generation reactors.

I agree that this issue is a relatively new one. The NRC has said, in the letter included below, that we have identified a real problem that can only be handled by the Congress. The solution I proposed is to give NRC the authority to treat a group of modular, inherently safe reactors as a single facility for purposes of the retrospective premium. I believe this issue could have easily, and without controversy, been resolved by my amendment.

Once again, my counterparts on the other two committees of jurisdiction opposed adding a new issue to the bill at this late date, despite their agreement that we certainly do not want to discourage utilities from purchasing inherently safe reactors. They feared that the Senate might not agree and they did not consider the issue to be critical at this point in time. I disagreed because I believe we do not have to let expediency rule over common sense and good lawmaking.

Faced with two important deficiencies with the substitute, I elected to bring my amendments to the attention of the Rules Committee, but I regret that they declined to make my amendments in order for presentation to this body.

I must reemphasize that the proposed substitute text contains 98 percent of what I believe to be appropriate policies to protect the public, assure continued operation of the national laboratory system, and enhance safety both in the commercial sector and at the national laboratories. It is unfortunate that I cannot give the bill my 100-percent commitment. Nevertheless, considering that the overwhelming percentages involved invoke good sense, the substitute is an acceptable compromise for overall passage.

I support the adoption of the substitute.

NUCLEAR REGULATORY COMMISSION,
Washington, DC, August 2, 1988.

Hon. MARILYN LLOYD,
Chairman, Subcommittee on Energy Research and Development, Committee on Science, Space, and Technology, House of Representatives, Washington, DC.

DEAR MADAM CHAIRMAN: I am responding to your letter of July 19, 1988, in which you sought the Commission's views on modifying H.R. 1414, the bill which would reauthorize the Price-Anderson Act, to eliminate a potential disincentive for utilities to purchase modular, advanced reactor units.

H.R. 1414 as currently written includes authorization in proposed new section 170b(2)(A) for the Commission to make "case by case" adjustments to retrospective premium requirements in certain circumstances. We believe that a serious legal question could arise from this provision as to whether the Commission may provide by rule that a group of reactors be treated as a single reactor for the purposes of meeting the financial requirements. More importantly, even if the Commission were to exercise its authority to require less than the maximum deferred premium for modular advanced power plants, the difference would still have to be paid eventually under 170b(2)(B). We also agree with the view that those considering use of modular reactors could be discouraged by the potential of significantly broader financial exposure than they would incur by choosing a single reactor to generate the same megawatts of power.

On review of the draft amendment you propose, our opinion is that it would remove from H.R. 1414 the potential disincentive that you have identified. We agree that the amendment would give the Commission authority to define by regulation the potential recipients of this treatment and thus to control whether or not the disincentive would be eliminated for any class of modular reactors. However, unless the Commission took such action, it appears to us that the terms of the draft amendment could be sufficient for any licensee of a modular advanced nuclear power plant to claim a statutory right to a single-reactor treatment provided that the power plant has arguably significant passive safety features and is within the wattage limit.

I hope that this response will be helpful to you. The General Counsel or designated members of his staff are available to assist you or your staff further in this matter.

Sincerely,

LANDO W. ZECH, Jr.

THE SECRETARY OF ENERGY,
Washington, DC, July 26, 1988.

Hon. ROBERT A. ROE,
Chairman, Committee on Science, Space, and Technology, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter of July 13, 1988 regarding the impact of Senate amendment No. 13 to H.R. 1414, the "Price-Anderson Amendments Act of 1987". Both the House and Senate have worked hard in the past several years to renew Price-Anderson and that objective is now within reach. I hope that final consideration will take place in the next several weeks, and urge that action be completed on this needed legislation.

The expiration of the Act last August has jeopardized the Department's future working relationships with its contractors; relationships with an established history of cooperation which have served our national security interests and protected the public well for decades. The uncertainty of Price-Anderson coverage can only continue to discourage contractors of the highest caliber and quality from such working relationships with the Department.

We share your concerns about the impact of the civil penalties provision on the Department's working relationships with its contractors. Although we also share the objective of ensuring that DOE contractors conform their conduct to the highest standard of safety and care, it remains our opinion that the inclusion of a civil penalties provision undermines the trust and dedicated partnerships, which thus far have achieved our national security goals. We are convinced that the Department has the authority and discretion to enforce safety standards and that the mutuality of interests the Department shares with its contractors is the best guarantor that the high standards of safety will be met.

I have enclosed answers to most of the questions you raised in your letter. Because of the uncertainty as to the final outcome of the Bill and the newness of the provision, the Department does not yet have all of the answers you are seeking. I will keep you informed as the Department attempts to analyze the intent and practical ramifications of civil penalties on our national security.

I hope that the enclosed will aid you in completing House action on Price-Anderson, as the absence of coverage is surely a greater threat to our national well-being than

this provision. I urge prompt action and stand ready to assist in any way I can.

Yours truly,

JOHN S. HERRINGTON.

QUESTIONS AND ANSWERS

Question 1a. Please list those Department of Energy (DOE) contractors which currently have Price-Anderson indemnity?

Answer. Attachment 1 lists the DOE management and operating contractors which currently have Price-Anderson indemnity.

Attachment 2 lists the DOE management and operating contractors that have been extended the indemnification coverage under Public Law 85-804 since Price-Anderson coverage expired.

ATTACHMENT 1—U.S. DEPARTMENT OF ENERGY M&O DATA BASE STANDARD REPORT NO. 2

Awardee Mgr. Rec. Due	Activity Name Award Office	Expiration Date Program Office
Allied-Signal Inc., 7/01/90	Kansas City plant, AL	12/31/91 DP.
Battelle Memorial Institute, 3/30/91.	Pacific Northwest Laboratory, RL.	9/30/92 ER.
E.I. Du Pont de Nemours & Co., 3/30/88.	Savannah River Laboratory and, SR.	9/30/99 DP.
EG&G Idaho, Inc., 3/30/90	Idaho National Engineering Lab, ID.	9/30/91 ID.
General Electric Co., 3/30/89	Knolls Atomic Power Laboratory, NR.	9/30/90 NE.
General Electric Co., 3/30/87	Pinellas Plant, AL	9/30/88 DP.
Kaiser Engineers Hanford Co., 8/29/90.	Engineer/Constructor Contract, RL.	2/29/92 DP.
M-K Ferguson of Idaho Co., 7/01/87.	Inel Construction, ID	12/31/88 ID.
Martin Marietta Energy Systems, 3/30/88.	ORGDP/ORNL/Y-12/Paducah, OR.	9/30/89 DP.
Mason & Hanger-Silas Mason Co., 3/30/90.	Pantex Plant, AL	9/30/91 DP.
Monsanto Research Corp., 3/30/87.	Mound Plant, AL	9/30/88 DP.
Rockwell International Corp., 7/1/87.	Rocky Flats Plant, AL	12/31/88 DP.
Rockwell International Corp., 3/30/90.	Specific Manu. Cap., ID	9/30/91 DP.
Sandia Corp./AT&T Technologies, 3/30/87.	Sandia Laboratory, AL	9/30/88 DP.
University of Chicago, 3/30/87	Argonne National Laboratory, CH.	9/30/88 ER.
West Valley Nuclear Services, 3/30/90.	West Valley Project, ID	9/30/91 NE.
Westinghouse Electric Corp., 3/30/87.	Bettis Atomic Power Laboratory, NR.	9/30/88 NE.
Westinghouse Electric Corp., 3/30/89.	Waste Isolation Pilot Plant, AL	9/30/90 DP.
Westinghouse Hanford Co., 3/30/91.	Richland Operations Office, RL	9/30/92 DP.
Westinghouse Idaho Nuclear Co., 3/30/88.	Idaho Chemical Processing Plan, ID.	9/30/89 ID.
Westinghouse Materials Co., 3/30/90.	Feed Materials Production Cent., OR.	9/30/91 DP.

ATTACHMENT 2

The following have been granted indemnification under Public Law 85-804:

University of California: Lawrence Livermore National Laboratory, Los Alamos National Laboratory.

Associated Universities, Inc.; Brookhaven National Laboratory.

EG&G Energy Measurements Inc.; Nevada Test Site.

Martin Marietta Energy Systems; Portsmouth Gaseous Diffusion Plant.

QUESTIONS AND ANSWERS

Question 1c. If the purpose of the amendment is to promote public safety, what public policy reason exists for distinguishing between the contractors, exempted in Senate amendment number 13 and the other DOE contracts?

Answer. Public safety is best promoted and achieved through mutuality of interests and goals shared by the Department and its contractors; through the highest safety standards being set and willingly agreed to, and by authority to replace those contractors if these goals are not met. We believe this applies to all contractors without distinction.

Question 1d. Has any contractor refused Price-Anderson indemnity when it has been offered? If so, please explain.

Answer. No, not in the past. However, contractors have expressed concerns over the lack of Price-Anderson and the potential future provisions of Price-Anderson.

2. Senate amendment number 13 to H.R. 1414 would allow DOE to assess civil penalities against a contractor. The amendment also exempts certain contractors and the laboratories they manage by name from the provisions of this section. Given the change in the law as stated in Senate amendment number 13.

a. Do you agree, or disagree, that Senate amendment number 13 appears to favor those institutions which are listed, not only for the benefits under the existing contract, but via-a-vis others who might compete for the contract at the time of renewal. Please explain your answer.

b. Do you interpret the Senate passed civil penalty provisions to be discretionary as to the imposition of penalties on any DOE contractor? Please explain.

c. Does the Senate exemption to the civil penalties section include all DOE contractors that are comparable to the named contractors in regard to the type of work performed by a laboratory, and in regard to the financial relationship a contractor has with DOE? If there are other contractors who are comparable to those listed, please name them.

d. Should an exemption apply only to those contractors that currently have Price-Anderson indemnity? Should successor contractors also be exempted?

e. Should the exemption apply to those contractors that currently have contracts with DOE with no Price-Anderson indemnity but that DOE would expect to give indemnity to, once H.R. 1414 is enacted?

f. Does DOE have authority or will it with the passage of H.R. 1414, to promulgate by rulemaking exemptions for a particular type of contractor? Why, or why not?

Answer 2a. through f. The Senate civil penalty provision gives the Secretary the discretionary authority to impose civil penalties on DOE contractors, except those listed as exempt, if they are covered by a Price-Anderson indemnity clause and have violated a nuclear-safety rule, regulation, or order issued by the Secretary under the Atomic Energy Act of 1957, as amended. The Senate provision empowers the Secretary to compromise, modify, or remit such penalties, with or without conditions and to prescribe regulations as he may deem necessary to implement the provision. Although the listing of specific exempt contractors appears to favor the listed institutions, the Secretary has sufficient discretion to ensure that other similarly-constituted contractors doing similar work would not be at a competitive disadvantage in contractual negotiations.

There are DOE contractors absent from the exemption list that presently are engaged in work comparable to the work conducted by the listed contractors. For example, Stanford University is engaged in work conducted at the Stanford Linear Accelerator Center (SLAC) that is similar to the work conducted at Fermilab. While Fermilab is listed as exempt from civil penalties, SLAC is not. The Department could provide equitable treatment to entities such as SLAC either on a case-by-case basis or through rulemaking.

Question 2.g. Should specific classes of contractors, e.g., non-profit educational institutions, be exempted from an assessment of a civil penalty? Why, or why not? If DOE were to exempt certain types of contractors from the civil penalties provisions, what class of contractors would DOE most likely exempt?

Answer. There should not be distinctions drawn between classes of contractors for purposes of accountability. The Senate provision does provide Secretarial discretion, specifically providing, that in determining the amount of the penalty, the Secretary shall take into account the ability of the contractor to pay, the effect on the contractor's ability to continue to do business, history of prior violations, degree of culpability, and such other matters as justice may require.

DOE's initial evaluation would thus tend toward a case-by-case review rather than exemption by class of contractor.

Question 3.b. Does DOE make periodic safety inspections of the DOE laboratories?

Answer. Yes. The DOE safety appraisal program combines routine onsite inspection and surveillance by the DOE Operations Office with periodic technical safety appraisals by the Headquarters Office of the Assistant Secretary for Environment, Safety and Health. This program encompasses the DOE laboratories as part of the overall DOE complex. More specifically, the Operations Offices in the field have responsibility to perform safety inspections and functional appraisals of the contractor's operations in all safety disciplines; i.e., nuclear facility safety, reactor safety, criticality safety, fire protection, quality assurance, radiological protection, industrial hygiene, etc. These appraisals are conducted at a frequency dependent upon the hazard level of the contractor operations to be appraised. Thus, high hazard facilities would be appraised on a more frequent basis than moderate or low hazard facilities.

The Assistant Secretary for Environment, Safety and Health, has oversight responsibility for the Department on all operations. In fulfilling this responsibility, the Office of Environment, Safety and Health performs Functional Appraisals of field activities in all safety disciplines and Technical Safety Appraisals (TSA's), which are documented, multidiscipline appraisals, of selected Department reactors and nuclear facilities. These TSA's assure proper Department-wide application of particular safety elements, nuclear industry lessons learned, and appropriate licensed facility requirements while stressing the Department's ultimate goal of striving for excellence.

TSA's are conducted on an infrequent basis once every few years. DOE has recently initiated an onsite resident inspector program reporting directly to the Headquarters ES&H management. In this way, oversight safety inspections are done by individuals on a daily basis and multidisciplinary teams on a more extended schedule.

Question 3.c. What rules, regulations, or orders presently address nuclear safety for DOE contractors? Please explain.

Answer. The safety requirements for the Department's nuclear operations are specified in the DOE Orders. Some of the major Orders are provided in Attachment 1. These Orders provide minimum requirements which have to be followed in the operation of the Department's reactors and nuclear facilities. The Operations Offices in the

field also provide DOE Order Supplements to the contractor. These supplements reflect the need to meet the DOE Order requirements and provide additional detailed requirements related to the specific operations at a particular site.

ATTACHMENT 1

DOE Order No. and Title:

5480.1B—Environment, Safety, and Health Program for Department of Energy Operations.

5480.2—Hazardous and Radioactive Mixed Waste Management.

5480.3—Safety Requirements for the Packaging of Fissile and Other Radioactive Material.

5480.4—Environmental Protection, Safety, and Health Protection Standards.

5480.5—Safety of Nuclear Facilities.

5480.6—Safety of Department of Energy Owned Reactors.

5480.7—Fire Protection.

5480.8—Contractor Occupational Medical Program.

5480.9—Construction Safety and Health Program.

5480.10—Industrial Hygiene Program.

5480.11—Requirements for Radiation Protection.

5480.12—Prevention, Control, and Abatement of Environmental Pollution.

5480.13—Aviation Safety.

5000.3—Unusual Occurrence Reporting System.

5481.1B—Safety Analysis and Review System.

5482.1B—Environment, Safety and Health Appraisal Program.

5483.1A—Occupational Safety and Health Program for Government-Owned, Contractor-Operated Facilities.

5484.1—Environmental Protection, Safety, and Health Protection Information Reporting Requirements.

5610.3—Program to Prevent Accidental or Unauthorized Nuclear Explosive Detonations.

5700.6B—Quality Assurance.

5500.2—Emergency Planning, preparedness, and Response for DOE Operations.

5500.3—Reactor and Nonreactor Nuclear Facility Emergency Planning, Preparedness, and Response for Department of Energy Operations.

5500.4—Public Affairs Policy and Planning Requirements for Emergencies.

6430.1—General Design Criteria.

1324.2—Records Disposition.

1330.2—Uniform Contractor Reporting System.

5700.3B—Major System Acquisition Procedures.

Question 3.d. What procedure does DOE use to determine if a contractor is in violation of a DOE rule, regulation, or order relating to nuclear safety? What type of process is given to a contractor before a contractor may be penalized under existing authority?

Answer. The Department determines whether a contractor is in violation of a DOE rule, regulation, or order relating to nuclear safety in several ways. First, the contractor operations are reviewed early in the design stage prior to construction to assure that facilities are sited and designed in accordance with the DOE Order requirements. Secondly, prior to initial operation, the facilities design is again reviewed against DOE Order requirements. This review focuses on the safety analyses performed for the facility/operations and ensures that: (1) the analyses are complete and accurate, (2) the analyses identify systems important to safety, (3) the design and operation of the facility is in accordance with the DOE Orders, and (4) the safety envelope of the facility is defined through Technical Specifications or Operational Safety requirements. In each of these reviews, a determination of compliance with the DOE Order requirements is made and appropriate changes to the facility design and/or operation are performed without penalty to the contractor.

Thirdly, during facility operations, the Department ensures compliance with its requirements and the approved safety envelope of the facility through inspections and appraisals, as discussed in the answer to Question #3.b., and through reporting requirements imposed on the contractor through the DOE Orders. On the latter, the contractor must report unusual events and occurrences that occur in Department facilities. These reports describe the event/occurrence and corrective action. If through the DOE appraisal or reporting process DOE determines that DOE requirements or the safety envelope of the facility are violated, then the Department can take action to limit operations or shut down the facility.

Penalties against the contractor for failing to comply with DOE Order requirements are established in two ways. One method used is to reduce the Award Fee given to the contractor each year based upon his performance. Since safety is one of the performance elements, poor safety performance by the contractor could result in a reduced rating and reducd award fee. The second method which can be utilized is to cancel the contract or not award the contractor the contract for managing the particular site when the existing contract is completed. In both of these methods, the contractor can provide information to substantiate his performance.

Question 3.e. What types of violations relating to nuclear safety has DOE found at its laboratories?

Answer. The most frequent areas that are not in compliance are: training, documentation, procedural compliance, and quality assurance.

Question 3.f. How does DOE currently mandate compliance when it identifies a violation relating to nuclear safety at a DOE laboratory?

Answer. If through the DOE appraisal or reporting process, DOE determines that DOE requirements or the safety envelope of the facility are violated, then the Department can take action to limit operations or shut down the facility until corrective actions are taken. Also, penalties against the contractor can be imposed as discussed in the answer to Question #3.d.

□ 1330

Mr. LENT. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New Mexico [Mr. LUJAN], the ranking minority member of the Committee on Interior and Insular Affairs.

Mr. LUJAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I have some serious reservations about this legislation. I do not know what I can do about it at this point since we are considering this in a closed rule. I would have voted against the rule had we had a recorded vote on it.

I am concerned because we are taking a tremendous leap in the limit of liability under the Price-Anderson Act. The current law, Mr. Speaker, provides that each utility shall pay $5 million per reactor in case there is an accident.

We began by looking at whether we should double that amount of liability as a limit, and we looked at that for a long time. All of a sudden something happened, and it went from $10 million to $63 million per reactor. That amounts to some $7 billion of total liability that all 112 reactors in this country are responsible for.

That may be a lot of fun in Congress to throw around figures like $63 million and $7.2 billion in total liability. I am not sure that the rest of the country understands what those figures are, and I am not sure that we understand what those figures are all about.

Mr. Speaker, the rate-paying public is going to have to pay these amounts of money. Because of the closed rule, Mr. Speaker, we are not to consider anything less than the $63 million per reactor.

There is one redeeming feature in this legislation, Mr. Speaker, and that is that a portion of this bill is likely to extend the benefits of the Price-Anderson Act to radio pharmaceutical licensees, persons, or entities who manufacture, produce, possess, or use radio isotopes or radio pharmaceuticals for medical practices. These medicines help physicians to detect abnormal growths and tumors in the bone, spincal cord, thyroid, lungs, liver, and other organs.

This compromise legislation, although not totally to my liking, at least goes a little bit in the proper way in that it provides a process by which the Nuclear Regulatory Commission can ensure that the benefits of Price-Anderson are extended to this radio pharmaceutical licensee. So there are some benefits to this legislation.

There are a couple of other features, however, Mr. Speaker, that should be in this legislation that are not. It was necessary to exempt from the civil liabilities provision certain laboratories or certain people that operate laboratories for the Federal Government. Among those are Livemore out in California, Los Alamos, Sandia in my home district, and those were exempted from civil liability provisions.

However, it does not make any sense that three national laboratories were included and three others were left out, and the committee was rather adamant that we leave them out. It really does not make any sense to take these three which are operated by consortiums of universities and make them subject to civil liability provisions. So that should have been changed in the committee, and why

they were so adamant about it is beyond me.

The final thing is the question of modular reactors. We all know and everybody knows that the future of nuclear power lies in small, inherently safe reactors, and these can be built in steps.

What we have done is that each module now has the responsibility for $63 million, so that as we move along and add these modules and make those reactors a little larger, we begin to multiply those limits of $63 million by the number of modules added on. The reasons they said they would not include this in the legislation and at least give us a limited open rule of some kind so that we could put these on was that we had not had any hearing on that.

Mr. Speaker, let me hope that for next year we can have hearings and maybe look at this legislation in the final year.

Mr. UDALL. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I reluctantly rise in support of the substitute for H.R. 1414. As the gentleman from New Mexico pointed out, we have had a long 2 years in arriving at this point. However, we have arrived.

The Price-Anderson legislation was originally designed, and this reenactment is designed, so that we can continue our competition in the world for the world energy resources.

We must have nuclear power so long as the rest of the world engages in it also. We must remain competitive and we must use every energy resource we have in our own Nation to become energy independent.

This legislaiton sets forth that it is the policy of the Congress that at least for the next 15 years that we may rely for some portions of our energy resources on nuclear power. We would provide that we increase the liability of each plant, as the gentleman pointed out, from $5 million per plant reactor to $63 million, quite an increase.

But I would point out to my colleague from New Mexico that what we likewise do at the same time is keep the first tier of insurance at $160 million, which is what each plant must provide and each company must provide in their first tier of liability.

Coming from the early State in our country which has had an experience with Price-Anderson, the Commonwealth of Pennyslvania at Three Mile Island, I can tell my colleagues that the claims were settled far less than the $160 million of liability in the first tier. The total claims were settled in the amount of $48 million, far less than that provided in the first tier of coverage.

I believe that this measure has worked for us since 1957 in protecting the American public and assuring that we can take advantage of our energy resources, and that it will work for the next 15 years, and therefore I support the measure.

Mr. SHARP. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I am pleased to speak in favor of the motion for a compromise bill responding to the Senate's legislation to renew the Price-Anderson Act. I must begin by thanking Chairman UDALL, the gentleman from South Carolina, Mr. BUTLER DERRICK, and Chairman DINGELL, for their tireless efforts to enact this important legislation. I also would like to thank Chairman ROE and the minority for their cooperation and contributions.

The effort to renew Price-Anderson has been lengthy and sometimes difficult. In fact, it was over a year ago that the Price-Anderson Act expired, for the first time since its enactment in 1957. Fortunately, both the nuclear utility industry and the Department of Energy contractors who rely on Price-Anderson have been able to make do without the act's protections on an interim basis, pending the conclusion of this legislation effort.

However, as the session draws to a close, the need to renew the Price-Anderson Act has become pressing. First and foremost, this legislation is important to the public. There are 110 nuclear reactors in operation today, many of them run by utilities which do a good job of producing essential power supplies at reasonable cost. Safety is the constant goal in these operations, and I hope that we never see an accident of the magnitude the Price-Anderson Act was designed to respond to.

However, should there be an accident, it is essential that the Price-Anderson Act's protections be available to the public. In the case of a relatively small utility accident such as Three Mile Island, the act's public compensation scheme provides a ready, proven system for responding to the immediate needs of families forced to evacuate their homes.

In the case of a larger accident, this legislation makes up to $7 billion available to compensate the public for personal and property damage, and improves the procedures for compensating damages in excess of that amount. The new $7 billion compensation fund represents a tenfold increase over the amount under the old act, and is far more in line with current economic realities than the existing $700 million limit.

Moreover, the Price-Anderson Act and this renewal legislation provides the public with a significantly easier road to recovery in court. Under normal tort law procedures, accident victims often must prove negligence against large corporations. Few ordinary citizens have the resources, or the ability to await compensation, that would be required in order to bring suit against a major utility. This bill retains the Price-Anderson Act's unique no-fault system, which enables victims to bypass the more onerous aspects of tort litigation.

I am aware that some of my colleagues are disappointed that the $7 billion compensation responsibility imposed on the utility industry is not greater, or indeed that any liability limit was retained. I too supported a higher figure, and fought in the Interior Committee for a higher amount. While I understand this sentiment, I strongly believe that it should not prevent Members concerned about the public's welfare from supporting this bill. There simply is no substitute for the combined advantages of the large, assured compensation fund and the ease of recovery afforded under the traditional Price-Anderson Act and improved upon in this bill.

In addition, this bill clarifies the Price-Anderson Act's application to accidents involving high-level nuclear waste, and guarantees $7 billion in compensation for the public. The Department of Energy currently oversees the storage of vast amounts of defense waste, and over the course of this renewal of the act may begin disposing of waste from commercial generators in the repository now under development.

Similarly, the bill increases from $500 million to $7 billion the amount of compensation provided for victims of an accident involving DOE defense production facilities. Great strides have been made toward improving the oversight and safety of these essential components of our defense system, but the recognition of problems at these facilities only underscores the need for adequate compensation in the event of an accident.

With respect to the Department of Energy's defense operations, is it absolutely essential that we enact this renewal legislation as soon as possible. Private companies now negotiating with DOE have warned that they will not sign contracts without Price-Anderson's indemnification authority. These contracts concern facilities which are of critical importance to our weapons program, such as the Pinellas plant in Florida, the Savannah River plant in South Carolina, and Brookhaven National Laboratory in the New York.

Finally, I would like to speak briefly to three amendments we are proposing to the Senate under this bill and to the procedure we are using today. It has been nearly a year since the House reported its bill, and 4 months since the Senate reported a bill. The two bills are substantially similar, and

many of the differences have not been difficult to resolve. However, three of the amendments the Senate attached to the House bill are noteworthy, and have been modified somewhat in the substitute we are voting on today.

First, the substitute proposes an even split between the House and Senate provision on the length of the act's renewal. The House favored the traditional 10-year renewal, while the Senate proposed to extend the act for 20 years. The substitute would renew the act for 15 years, and I am satisfied this is a fair result.

The second amendment I would like to address is the Senate's civil penalties provision. As my colleagues may recall, I supported an amendment, which the House did not adopt, to permit DOE to impose civil penalties on contractors that violate safety regulations. The Senate's inclusion of a similar provision has required the House to consider the matter for a second time, and the substitute bill would largely recede to the Senate on this point. While the provision is less stringent than I would prefer, I believe the compromise the substitute is valuable and worthy of our support.

The third Senate provision I would like to address, the question of indemnifying nuclear pharmacies, has proven particularly controversal. I am pleased that in developing the substitute, we reached informal agreement with our colleagues in the Senate who are most concerned with this topic. I have not supported extending a Federal indemnity to this industry, and have grave reservations about committee Government funds in this manner. However, in the interest of moving the legislation, I am willing to support the compromise, which directs the Nuclear Regulatory Commission to conduct a negotiated rulemaking on the issue. I note that the compromise does no more than require the Commisison to consider the matter, and that it clearly reserves the final decision to the Commission's sole discretion.

Finally, while the procedure set forth in the rule is somewhat unusual, I feel it is the best avenue at this late date in the session to ensuring that a Price-Anderson bill is enacted this year. This approach has been coordinated with, and is supported by, both the majority and the minority on the Interior and Commerce Committees.

I recognize that this bill may not be ideal from anyone's point of view. However, I think we should take satisfaction from the fact that it is very good, solid renewal of a much needed law. The Price-Anderson Act has served both the public and private industry involved in our energy and defense sectors well. This bill introduces many important improvements to the Price-Anderson Act, and we can ill afford to risk letting it lapse any longer.

I thank my colleagues for their attention and urge them to support this important legislation.

□ 1345

Mr. LENT. Mr. Speaker, I yield 5 minutes to the gentleman from Alaska [Mr. YOUNG], the ranking member of the Committee on Interior and Insular Affairs.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong support of H.R. 1414, the Price-Anderson Amendments Act, and ask that the House do the only responsible thing and pass the bill without delay.

The bill would increase tenfold the level of protection to those who might be affected in the unlikely event of a nuclear accident, and that in itself is reason enough for support.

But this bill is needed for other reasons. It has been exactly 1 year since the authority of the NRC and the Department of Energy to enter into agreements with their licenses and contractors ran out. That means that while we have an existing program for prompt settlement of claims resulting from a commercial nuclear energy facility accident, our Nation's ability to conclude agreements with contractors who conduct programs related to our national security is in jeopardy. This bill would resolve this insecurity in the arsenal, of democracy, while increasing the level of protection for citizens of the United States.

Perhaps most importantly, the enactment into law of this bill will send a strong signal to U.S. consumers of electricity—residential and business—that our Nation is open for business and ready to compete.

This Nation—the greatest engine of human material, spiritual and intellectual growth in the history of man—has led the world in freeing man from the burden of his own or an animal's back through the efficient delivery of energy. We need more energy resources for the 21st century. Yes, we need conservation—the wise use of resources goes without argument, and is central to our future.

But many see this as the solution to all of our problems. They are dead wrong, and their shortsightedness threatens our Nation's ability to compete in the next century.

A nation without energy is like a body without energy—withering and dying. We need nuclear. We need coal. We need hydro. We need to open the coastal plain of the Arctic National Wildlife Refuge in Alaska. We need everything we can, if we expect to compete.

Nuclear is clean, it's efficient. It's safe, and with this bill, we will guarantee its safety to the public.

Oil and gas should not be used to produce electricity. They are best used as a transportation fuel to grease the wheels of a huge nation on the move.

As electrical production increases to meet the needs of an electronic communication society, we should not be sending money to Canada to buy it. We need to have a safe, practical energy supply system. Nuclear power gives us that, and H.R. 1414 insures it. I urge Members to support this bill—our future demands it.

Mr. Speaker, Shoreham, Comanche part 2 and WPPSS 3 are tombstones of the nuclear age, some people say.

The argument over the legitimacy of powerplants began before they were proposed. It may never end. But one thing is indisputable: Anywhere from $3 to $5 billion is tied up in each of the 10 reactors in the United States are substantially finished but sit idly by because they lack regulatory approval.

That is a lot of money going to waste. Now, as the environment seems to be suffering more and more than ever from our relentless combustion of fossil fuels, witness the greenhouse effects, the acidic lakes, the widening swaths of dead trees, Americans must ask themselves whether they really want to allow these emission-free powerplants to remain mausoleums. This is not a debate over nuclear power per se. This question is whether we should put more money into this power source or indeed whether we should have put any money into it at all. Even if the answer to this question is "no" and sometimes we may lean in that direction, as some on this House floor may, it is foolish to allow those plants to stand idle. They represent $40 billion of underutilized assets at a time when the country cannot afford to squander its financial resources and they can contribute a modest but meaningful reduction to the amount of fossil fuels that we burn over the next four decades. True, some of these plants may pose environmental and safety risks on their own. But the potential dangers must be weighed against the risk of not employing such ready assets when excessive use of fossil fuels could one day mean the end of life as we know it on Earth.

With what Chernobyl has instilled in our memories, the dangers from combustion of fossil fuels may not seem so dramatic, but they nevertheless are starkly real. That is why the financial and environmental gains to be achieved by starting up our idle nuclear reactors seems compelling. I suggest that we take the wraps off the Shoreham and the other 10 plants sitting idly by and use those resources which we have spent to develop the needed energy in this country. We need our fossil fuels for propulsion, we need them for transportation, but we need nuclear power for the future generations.

I yield back the balance of my time.

Mr. UDALL. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. SHARP. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. ECKART].

Mr. ECKART. Mr. Speaker, I rise in strong opposition to H.R. 1414, the Price-Anderson Amendments Act of 1988.

Yesterday, I received, as I'm sure all of you probably did, a letter from the American Nuclear Energy Council [ANEC], strongly urging me to support the compromise bill before us today. And it's no wonder. ANEC, as it indicated on this letter, represents over 100 organizations with an interest in nuclear power—read that economic interest—like utility companies, architect-engineers, and uranium mining companies.

And it's because the conference report on H.R. 1414 protects their economic interests—not necessarily the economic interests of the average American taxpayer, or the health and environmental interests of American citizens—that we should reject this legislative product.

In fact, this attempt at a compromise with the other body remains as fatally flawed as the version that passed this House last summer, and in some cases, it is even worse.

VICTIM COMPENSATION

H.R. 1414 still fails to provide full compensation to victims in the event of a nuclear accident. Instead, this bill raises the liability limit of the nuclear industry to approximately $7 billion, and gives the victim a promise that simply means that the "check is in the mail."

If Congress can't, with the time we have for careful consideration and planning now, before a nuclear accident, come up with a plan to provide for full compensation, I fail to see how anyone could reasonably believe we'll be able to do it in the atmosphere of confusion and recrimination that is sure to follow after a nuclear accident.

And, to make matters worse, this compromise bill does not include the House-passed provisions that would have made sure that victims of nuclear waste accidents, at least, could receive full compensation. The House-passed version of H.R. 1414 set up special procedures that would have waived the $7 billion liability limit if Congress failed to enact a compensation plan within on year after the President submitted his proposal for above-limit compensation. Under the previous House language, all valid claims from nuclear waste accidents would have been paid by from the nuclear waste fund. The House should reject this weakening of its version of the bill.

TAXPAYER PROTECTION—TAXPAYER RIPOFF

H.R. 1414 leaves the Federal treasury, and thus the American taxpayer, as the most likely source of compensation beyond the liability limit. And how much more money than $7 billion might a catastrophic nuclear accident cost? It is a taxpayer ripoff.

In 1982, the Sandia National Laboratories, using a computer model to analyze meteorological, population, and economic data, estimated a wide variety of accident consequences for each of the nuclear powerplant sites in the United States. The study concluded that, in a worst-case scenario, more than 100,000 people could die and economic damages could exceed $100 billion at some locations.

In 1987, the GAO estimated that the financial damages from a catastrophic nuclear accident under average weather conditions could reach $15 billion. The study noted that severe weather conditions, such as heavy rain, could increase these costs by 10 times.

A February 1987 NRC analysis of a potential fuel core meltdown accident at a plant with a GE Mark I containment structure estimated up to 30 million people could be exposed to radiation, with approximately 20,000 latent cancer deaths and $12 billion in off-site property damage alone. Analysis was done of a hypothetical accident at the Peachbottom Plant near York, PA.

ATTORNEYS' FEES

Like last year's House-passed bill, the compromise bill before us today would still allow the nuclear industry's attorneys' fees to be paid out of the limited compensation fund in the event of a nuclear accident. What's the matter with that? Let's use Three Mile Island as an example.

As we all know, the major test of the Price-Anderson system so far was the Three Mile Island accident in March 1979. Since 1979, a total of approximately $48 million has been paid out of TMI's licensee's first tier—$160 million primary insurance coverage—financial protection. That total breaks down like this: $40 million in public damage claims; $8 million in attorneys' fees.

That means that, out of the total amount paid out of the first tier of the compensation system for Three Mile Island so far, approximately 17 percent has been paid in attorneys' fees!

And 17 percent of $7 billion is almost $1.2 billion—$1.2 billion could compensate a lot of public damage claims, a fact which becomes very important when you remember we're dealing with a limited compensation fund.

But if paying out 17 percent of the available public compensation fund doesn't bother you, let me make another point: allowing payment of industry attorneys out of the compensation pool means that victims pay twice.

The general populace, those most at risk of suffering damages from a nuclear accident, can't afford to keep fancy attorneys on retainer to plead their cases for them. After an accident, they're going to be hiring attorneys on a contingency fee basis.

This means, of course, that accident victims will be paying their lawyers out of their damage awards—this is the first time the compensation they receive will be decreased.

The second time comes because the compensation pool established to compensate their damages, the harm caused to the public, will also be used to pay the lawyers defending the guys that caused the harm.

Out of their own pockets, in effect, the victims have to pay both sets of lawyers. I don't think this comports with what the spirit of this law should be, and I don't think this is justice.

Mr. Speaker, this compromise version of H.R. 1414 provides inadequate protection to the potential victims of a catastrophic nuclear accident, and it is fundamentally unfair to the American taxpayer. I urge its defeat.

It perpetuates the most egregious form of corporate welfare imaginable.

It should be defeated.

Mr. LENT. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. I thank the gentleman for yielding this brief time to me.

Mr. Speaker, I rise in strong support of this legislation principally because it is fundamental to continue to meet the energy needs of this country.

Mr. LENT. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. MORRISON].

Mr. MORRISON of Washington. Mr. Speaker, I rise in opposition to the bill.

Mr. Speaker, I want to express my appreciation for the hard work you and our colleagues have done to put together this compromise amendment, and I agree with most of the provisions included in this legislation. However, I cannot agree with putting a limitation on nuclear waste accident liability, and I'd like to take this opportunity to explain why.

First of all, I think it is reasonable to set a limit on liability for nuclear power generation because the utilities involved have only one source of income, that is through ratepayers. We all know that power rates usually must work their way through public utility commissions who aren't about to approve the concept of unlimited liability for their constituents. Furthermore, the probability of a serious nuclear accident caused by powerplant operation is extremely remote. The history of our nuclear industry shows that, even in the case of Three Mile Island, the Price-Anderson liability cap was more than adequate.

High level nuclear waste is a different story. It is the property of the Government. And because there is no history of transportation, handling, and disposal of this waste, the potential for accident is unknown. I can understand that some of my colleagues contend if we extend unlimited liability to nuclear waste activities it will set the precedent for there

being no limits on the liability for commercial reactors and other Federal contractor activities. I disagree with this proposition because high level nuclear waste disposal activities are distinct from all other nuclear matters covered by this act. They are the only activities under complete Federal supervision at every stage of the process.

I believe there should be unlimited liability coverage to protect the health and safety of the public against high level nuclear waste accidents, and therefore must oppose the passage of H.R. 1414.

Mr. ROE. Mr. Speaker, I rise in support of the substitute.

The Senate's 16 amendments to H.R. 1414, in most instances, brought the legislation closer to the original recommendations of the Committee on Science, Space, and Technology, as reflected in House Report 100–104, part 2. Therefore, what the Senate did, overall, was to improve the bill.

The compromises and improvements to the Senate's recommendations that are included in this substitute, retain much of what the Senate recommended as amendments. Therefore, the substitute moves closer to the original position of the Science Committee, and is also an improvement in the legislation.

For example, the Science Committee in two Congresses recommended that the act be extended for a longer period than 10 years. The Senate recommended 20 years and the substitute before us today increases the period to 15 years. This improves the bill.

Another example is that the Science Committee did not recommend the provision included in the House bill which would have treated nuclear waste contractors differently from other DOE contractors. The Senate struck this House provision and the substitute agrees with the Senate amendment.

Mr. Speaker, the substitute text to H.R. 1414 resolves nine principle issues which have arisen due to the 16 amendments of the Senate. I concur in the resolution of eight of these issues, and must dissent in the resolution of one issue. The substitute takes the following action—

First, splits the difference on the period of extension and sets it at 15 years;

Second, deletes a House provision requiring, for the first time, appropriations to pay government liabilities under the act;

Third, strikes a Senate provision, which was likely to invite a presidential veto, requiring that Government employees be considered as contractors for Price-Anderson purposes;

Fourth, accepts a Senate amendment making the limit on liability the same for all DOE nuclear activities;

Fifth, allows the Senate to retain expedited procedures but strikes them for the House;

Sixth, compromises on 11 years as the appropriate deadline for the Congress to receive the reports of the DOE and NRC;

Seventh, requires DOE nuclear contractors to be indemnified only under Price-Anderson;

Eighth, requires, as a compromise, NRC to conduct a rulemaking proceeding to determine the need to bring nuclear pharmacies under Price-Anderson coverage; and

Ninth, adds civil and criminal penalties to DOE's enforcement authority over its contractors.

Although I have agreed in principle to all of these amendments in the substitute, the last one on civil penalties is not good law. I tend to agree with the executive branch that such penalties are not necessary, and possibly detrimental to the unique relationship between DOE and its laboratory operations needed to ensure safety. However, I believe the Senate provision, as well as the provision in the substitute, is flexible enough to permit broad discretion on the part of the Secretary either not to impose a civil penalty, and, if imposed, to allow the Secretary to modify or remit the penalty in whole or in part. Therefore, the civil penalty authority should not be harmful in and of itself.

The objectionable part of the civil penalty provision is section 17(d) of the substitute, which creates exemptions to the applicability of the Secretary's authority to levy civil penalties. This provision is poorly drafted, is unfair to certain contractors, is detrimental to broad industry participation in operating the laboratory system, and is anticompetitive in effect.

The substitute text in section 17(d) names some of the existing nonprofit and nominal profit contractors as exempt from any civil penalties. Although I find it rather peculiar to list any exemption to a provision thought necessary by the Senate to promote public safety, I can understand the perceived need to exempt some contractors because of the potential detriment to the DOE/laboratory relationship. Two competing goals have to be reconciled, and the Senate chose this flawed approach.

First of all, naming a specific person, as is done in section 17(d), to be exempt from the law, is in itself improper. The law should have general applicability and, any exemptions should be cast in terms of classes of people. But I am willing to live with this shortcoming as long as the list names everyone in the class. Unfortunately, the substitute does not name everyone in the contractor class who is either a nonprofit or educational institution.

Second, neither the Senate or the Interior or Commerce Committees have identified any good reason for discriminating against some of the nonprofit or educational contractors, to wit, Stanford University, Oak Ridge Associated Universities, Southeastern Universities Research Association, and there may be others that DOE has yet to identify. These contractors were left off the list because they weren't known to the Senate at the time the amendment was agreed to.

Third, the exemption provision in the substitute gives the exempted contractors unfair advantage over possible competing contractors when the laboratory contract is due for renewal. This occurs because successor contractors are not covered under the exemption. It is an advantage to be exempt from such a contingent liability and this fact will obviously be a factor in any bid to run a national laboratory.

Fourth, the fact that potential competitors will not have the exemption will have a distinct chilling effect on possible competitors. Those capable contractors who might otherwise be brought into the laboratory system will not be inclined to apply. The exemption list would, therefore, tend to be anticompetitive, preserving the status quo at the expense of the ability of the Government to find and choose the best operating contractors for the laboratories.

Having identified these problems, I sought the advice of the laboratories and the Department of Energy. There were no surprises in the responses, and, for purposes of brevity, I include only the DOE response in the RECORD at the end of my remarks. I will provide the laboratory responses to those who may be interested.

In summary, the laboratories with the exemptions wanted to preserve them. DOE didn't approve of the civil or criminal penalty provisions but thought that it had sufficient flexibility to administratively deal with the problems. I agree, but this is certainly no excuse for the Congress to enact poorly drafted legislation.

Because of the adamant position of the Senate regarding this provision, I prepared an amendment which I thought called for minimal changes in its scope and form. Essentially, my amendment would add the three known contractors fitting the class of exemptees, and also add their successors, if they also fit the class; that is, nonprofits or educational institutions. This was rejected by the Senate, and, as a result, by the other two House committees of jurisdiction. My colleagues on the other two House committees did not wish to risk jeopardizing the expedient enactment of this law because of the Senate's threatened rejection of my amendment. I believe it would have been healthy to force the Senate to deal with this issue.

There is a second problem with this substitute that has only recently been identified. I admit that it is a new issue and has not been fully considered by any committee of jurisdiction. However, its importance is not diminished by this oversight, especially considering that a chief purpose of the Price-Anderson Act is to protect the public.

Mr. Speaker, the substitute includes a substantial disincentive to assuring public safety that I believe should be eliminated.

The Science Committee has authorized the development in the Department of Energy of a new generation of nuclear reactor that promises to be a fail-safe reactor. All the accidents considered by the Nuclear Regulatory Commission for current generation reactors would be foreclosed in this new generation reactor; foreclosed in the sense that gravity or other physical phenomena prevent the accident from occurring in the first place. This technology is precisely what this country needs to meet public demands, to fight the acid rain problem to respond to the CO_2 problem, and to rekindle our Nation's nuclear energy option.

What we should be saying through this substitute bill is, "The Congress does not intend to discourage utilities from purchasing inherently safe reactors." This substitute bill is a 15-year reauthorization and these new reactors could be available with a decade. But the bill, as currently written, would discourage any utility from buying these reactors.

The bill authorizes the NRC to assess a $63 million retrospective premium against each reactor licensee in the event of an accident. One of the attractions of the modular reactor concept is that a utility would be able to buy smaller increments of capacity to better meet

customer demands. If eight of these modular reactors were, over a period of years, added to a system so as to constitute a single 1,200-megawatt electric plant, then a utility might be faced with a total assessment of $504 million, instead of a single $63 million assessment for a single, current generation reactor.

This, obviously, would be a substantial disincentive for utilities to purchase the passively safe, modular reactors, instead of the larger sized, current generation reactors.

I agree that this issue is a relatively new one. The NRC has said in the letter included below, that we have identified a real problem that can only be handled by the Congress. The solution I proposed is to give NRC the authority to treat a group of modular, inherently safe reactors as a single facility for purposes of the retrospective premium. I believe this issue could have easily, and without controversy, been resolved by my amendment.

Once again, my counterparts on the other two committees of jurisdiction opposed adding a new issue to the bill at this late date, despite their agreement that we certainly do not want to discourage utilities from purchasing inherently safe reactors. They feared that the Senate might not agree and they did not consider the issue to be critical at this point in time. I disagreed because I believe we do not have to let expediency rule over common sense and good lawmaking.

Faced with two important deficiencies with the substitute, I elected to bring my amendments to the attention of the Rules Committee, but I regret that they declined to make my amendments in order for presentation to this body.

I must reemphasize that the proposed substitute text contains 98 percent of what I believe to be appropriate policies to protect the public, assure continued operation of the national laboratory system, and enhance safety both in the commercial sector and at the national laboratories. It is unfortunate that I cannot give the bill my 100 percent commitment. Nevertheless, considering that the overwhelming percentages involved invoke good sense, the substitute is an acceptable compromise for overall passage.

I support the adoption of the substitute.

Mr. HUCKABY. Mr. Speaker, I would like to make a few brief remarks about the legislation currently before the House. This bill will reauthorize the Price-Anderson Act, and significantly improve the protections previously afforded to all citizens from the hazards associated with this Nation's nuclear program. The legislation also provides a process by which the Nuclear Regulatory Commission will likely extend the act to radiopharmaceutical licensees. Radiopharmaceutical licensees, including nuclear pharmacies, hospital nuclear medicine departments and radiopharmaceutical manufacturers, currently make available radioactive drugs in unit doses. These important drugs are necessary for the maintenance for the high standard of health care all citizens in our country presently enjoy. Each year, millions of Americans are diagnosed through the use of these drugs. In addition, researchers are making great progress with these drugs in reducing abnormal cells to acceptable levels in children with lukemia and other serious diseases.

The ability of radiopharmaceutical licensees to maintain operations in the future is in serious question because of recent State tort law decisions which expose them to law suits for damages allegedly due to low level radiation emission, even emissions within NRC guidelines. From the evidence presented to the Interior and Insular Affairs Committee, I am convinced that the potential liability faced by these radiopharmaceutical licensees can realistically force them out of business because they cannot obtain insurance for the nuclear risk. As with the vaccine industry, the unwillingness of the commercial insurance industry to provide coverage creates the need for Federal intervention so the standard of healthcare may be sustained.

It is my understanding that despite the evidence submitted to the committee by the radiopharmaceutical licensees themselves, there is some question as to whether or not commercial insurance is available for this risk. For this reason, the process that would be put in place by this legislation will allow a final determination on the insurance question to be made in 18 months from the date of enactment. An independent convener will make an initial determination that can only be reversed by the Commission in the event that clear and convincing evidence supporting such a reversal is subsequently developed. It is not anticipated that the Commission will do work that duplicates efforts undertaken in the negotiated rulemaking process. I am fully confident that, after the Commission has had an opportunity to fully explore the commercial insurance market, coverage under the act will be extended to radiopharmaceutical licensees. I particularly commend Chairmen UDALL and SHARP for affording this unique process by which this issue can be finally and swiftly resolved. I urge adoption of the legislation.

Mr. SKAGGS. Mr. Speaker, earlier today, the House passed a bill to renew the Price-Anderson Act. I voted in favor of that renewal, as I did for an earlier version of this bill last year, because it offers better assurances than we currently have that victims of nuclear accidents would receive prompt and full compensation, and because it would better protect the taxpayer from picking up the tab in the event of a nuclear catastrophe.

However, I would like to stress to my colleagues that, while the bill is an improvement over current law, it still lacks several measures which would significantly improve incentives for safer operation of nuclear facilities. Lacking these measures, today's bill will provide us better insurance if a nuclear accident occurs, but it won't give us any better assurances that one won't.

In particular, the bill before us today does not include the Sharp-Wyden amendment to hold contractors at Department of Energy [DOE] nuclear facilities liable for damages caused by gross negligence or willful misconduct on the part of their corporate management. Nor does it contain the Walgren amendment assigning nuclear waste transporters limited liability for gross negligence or willful misconduct, and requiring them to carry reasonable amounts of insurance.

Under current law, these transporters and DOE contractors are entirely shielded from liability. This indemnification acts to remove from play the normal safety incentives that the rest of our economy relies on and lives with. Common sense tells us that a firm with some limited liability, with some corporate funds at stake, is going to be more concerned about safety than one that won't have to pay a dime in the event of a major accident. It's a real shame these amendments were not included in the bill.

Because of the greatly increased insurance this bill offers, I voted for it. Americans need the added protections it offers both potential accident victims and the taxpayer. However, the safety gaps I've mentioned leave this bill incomplete, and I intend to continue to work to make our country's DOE and commercial plants as safe as possible.

Mr. SWIFT. Mr. Speaker, I rise in opposition to the substitute. This is the only opportunity that Congress will have to deal with nuclear liability for the next 15 years. We should do it right, and unfortunately the substitute fails in that regard.

I regret that I must oppose this substitute. I joined most of my colleagues in voting for final passage of the House bill last year—although even that bill had many flaws. Unfortunately, the substitute that has come back from the negotiations with Senate exacerbates those flaws.

Of particular concern to me is the fact that the substitute does not contain the House provisions establishing special procedures to compensate the victims of a nuclear waste accident which exceed the liability limit. These provisions, which were based on legislation which I introduced, were the result of a compromise in the House that took over a year to craft. The Senate, which struck the nuclear waste dump to Nevada, now says to Nevada—and to all States where nuclear waste might be transported—"don't count on compensation if there is a major accident involving this material."

Mr. Speaker, in my view the bill that passed the House was the minimally acceptable Price-Anderson bill. The Senate has returned to us a package that falls short of the House bill, and I cannot support that.

Mr. MARKEY. Mr. Speaker, I rise in support of H.R. 1414, the Senate amendments to the Price-Anderson Amendments Act. This version of the Price-Anderson legislation is a substitute for the version passed by the House 1 year ago. While many of us would have preferred tougher provisions on liability and a shorter extension period, this legislation makes several significant improvements in the underlying act. It represents a suitable compromise for those of us concerned with ensuring that the public be compensated for damages resulting from an accident at a nuclear powerplant.

Price-Anderson was first enacted in 1957 and was twice modified and extended before it expired 1 year ago. There is no less pressing need now, in 1988, to have in place a system which provides compensation for personal injuries or property damage resulting from a nuclear accident. H.R. 1414, provides such protection while beginning to diminish the special treatment that the nuclear power industry has received from the Federal Government since its inception.

The legislation we are considering today takes steps in the direction of shattering the myth that nuclear power is an infant industry which must receive special protection from the Federal Government. H.R. 1414 puts a greater burden on the nuclear industry to ensure that its operations are safe by hitting the nuclear industry in the place it understands best—the wallet. Let me cite three examples.

First, the bill before us today raises the liability limit on the nuclear industry tenfold, from $710 million to $7.1 billion. In a perfect world, there would be no limit on the amount for which the industry should be liable. In such a world it would be recognized that an energy industry which has received 40 years of Government subsidies, provides only a tiny percentage of our overall energy mix, and earns mega-profits, ought to be turned out on its own and held responsible for the damage it might inflict, just like any other industry. A tenfold increase in the liability limit should tell the nuclear industry that its days of wine and roses are coming to an end.

Second, the legislation increases the one-time deferred premium which nuclear utilities must pay in the event of an accident. These premiums rise from $5 to $63 million, and, most significantly, are indexed to the inflation rate. These provisions tell the industry that it must pay a significant share of the costs of an accident which exceeds its primary insurance coverage. It tells the industry that it will not have the benefit of inflation eroding the value of that coverage. This indexing provision held up consideration of this legislation for over a year. Its inclusion in the final version is a prime example of how the special economic protection that the industry has thus far received is coming to an end.

Third, H.R. 1414 also contains provisions from the amendment offered last year by the gentleman from Oregon [Mr. WYDEN] which puts into place civil penalties of up to $100,000 per day for DOE contractors who violate safety regulations. These provisions make the statement to DOE contractors that their free ride is over, that strict safety standards must be met in this, the most dangerous technology ever known.

The legislation before us may not be a perfect vehicle—the playing field is still tilted toward the nuclear industry since, of all industries operating in this country, it alone will benefit from a liability cap. But by increasing that liability tenfold, by indexing the cap to inflation, and by making contractors pay large penalties for safety violations, we are saying that ultimately, the field will be level. And the nuclear industry will have to play on its own, with no special protection and no special rules.

Mr. SYNAR. Mr. Speaker, I commend my colleagues who have labored so hard and so long to develop this renewal of the Price-Anderson Act. Having worked with them as the bill was considered on this floor and by a number of committees of the House last year, I know and respect the dedication and sincere desire to fashion a responsible bill that they have demonstrated throughout the process.

However, upon reviewing the vehicle before us today, I must conclude that it misses the mark, and I cannot support it. While there are several troublesome provisions contained in this bill, I will focus my comments on what I consider to be the major weakness of the bill—the lack of any real accountability for contractors who operate DOE nuclear facilities.

H.R. 1414 continues the policy of the expired Price-Anderson law which holds constractors harmless for all damages resulting from nuclear accidents, even those which result from their own gross negligence or willful misconduct. By removing this element of financial liability, a crucial incentive for contractor safety and responsibility is lost.

Moreover, it enables contractors at DOE nuclear facilities to enjoy a protected status which is unwarranted and inconsistent with Federal policy in other areas.

No other Federal law provides such sweeping protections for contractors as the Price-Anderson Act. Most other laws offer no protection for gross negligence or willful misconduct.

These include Superfund, the Clean Water Act, the Outer Continental Shelf Lands Act of 1978, and the Swine Flu Act.

Response action contractors under Superfund are not even covered for damages resulting from such negligence. Yet, there is no lack of qualified bidders for clean up contracts.

Even Public Law 85-804, which provides financial protection for contractors engaged in nuclear and ultrahazardous activities for the Defense Department, exposes those contractors to unlimited liability for damages to their own and Government property which result from their own bad faith or willful misconduct.

In fact, only 2 months ago, this body passed, on voice vote, the Commercial Space Launch Act Amendments of 1988. While it provided full indemnification, without limit, for companies involved in commercial space launch accidents, it excludes indemnification for accidents resulting from willful misconduct.

There is no rational argument why the same contractors who will perform nuclear and ultrahazardous work for the Defense Department and will engage in the commercial space industry without indemnification for costs of damages resulting from gross negligence or willful misconduct, oppose efforts to be held accountable for gross negligence and willful misconduct under the Price-Anderson Act.

The superfluity of such total exemption for responsibility is underscored by the fact that prior to adoption of the first Price-Anderson Act in 1957, many of the same contractors who are in the business today, including General Electric, Babcock, and Wilcox, the University of Chicago and the University of California at Berkeley, operated under indemnity agreements with the Atomic Energy Commission which excluded damages resulting from egregious behavior. It is not clear why such contractors must be less accountable today than they were 30 years ago.

However, throughout the course of our consideration of this issue, the DOE and its contractors have strongly resisted any type of accountability amendment. They claim that contractor fees are small and do not warrant taking on any risk. In fact, some contractors have threatened to walk away from their contracts if an accountability provisio is enacted.

The contractors' threat to walk, which has been offered by many as the rationale for exempting the contractors from all liability, has been shown to be a bluff. The Price-Anderson Act expired over 1 year ago. Yet, since that time, a number of contractors have renewed their contracts to operate DOE nuclear facilities without the protection of Price-Anderson indemnification and operating contracts, which are still being competed, have not lacked for bidders.

It should also be noted that contractors' fees are not as small as they would have us believe. They operate under cost plus contracts, and many contractors are receiving millions of dollars in profits for supplying a small number of people to manage a facility.

But a discussion of contractors profits is not relevant to the issue before us.

Whether a fee is $1 or $10 million, citizens and communities have a right to expect that contractors will manage these sensitive facilities responsibly and carefully, and—at the very least—will not engage in gross negligence or knowingly violate regulations.

How can a contractor take the approach that because it doesn't make a certain amount of money, it cannot be responsible for even such a minimal standard of performance?

Why should the taxpayers be the ones to bear the costs of patently unsafe practices and activities?

The provisions in H.R. 1414, which give the Secretary of Energy the discretion to impose civil monetary penalties upon contractors for violations of DOE regulations, and exempt a broad class of nonprofit organizations from such penalties, are an unacceptable substitute for effective financial accountability.

In closing, there is nothing radical about a proposal that a corporation or any other institution should be responsible for its actions, and has an obligation to stockholders, citizens, and communities to conduct its business responsibly and safely.

We all have industries in our district which are crucial to the well-being of our States and the Nation. In my district, farming, ranching, and oil and gas production are crucial industries. Yet, the individuals and companies who participate in those ventures are responsible for their own actions. No one excuses them from liabilities resulting from their own gross negligence or willful misconduct, and they don't expect to be. This is a basic tenet that we are all taught from grade school, and is a standard of our judicial system.

We should apply the same standards to contractors who operate our government nuclear facilities. Contractors should expect no more, and our citizens deserve no less.

Mr. Speaker, because it lacks adequate contractor accountability provisions, I urge my colleagues to vote against the passage of this legislation.

Mr. LENT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHARP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. UDALL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time and ask for a vote.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the motion offered by the gentleman from Arizona [Mr. UDALL].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ECKART. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 346, nays 54, not voting 31, as follows:

[Roll No. 251]

YEAS—346

Ackerman	Combest	Hammerschmidt
Akaka	Conte	Hansen
Alexander	Cooper	Harris
Anderson	Coughlin	Hastert
Andrews	Courter	Hatcher
Annunzio	Craig	Hayes (LA)
Anthony	Crane	Hefley
Applegate	Dannemeyer	Hefner
Archer	Darden	Henry
Armey	Davis (MI)	Herger
Aspin	de la Garza	Hiler
Badham	DeLay	Holloway
Baker	Derrick	Hopkins
Ballenger	DeWine	Horton
Barnard	Dickinson	Houghton
Bartlett	Dicks	Hoyer
Barton	Dingell	Hubbard
Bateman	DioGuardi	Huckaby
Bates	Dixon	Hughes
Beilenson	Dorgan (ND)	Hunter
Bennett	Dornan (CA)	Hutto
Bereuter	Dreier	Hyde
Berman	Dwyer	Inhofe
Bevill	Dyson	Ireland
Bilbray	Early	Jacobs
Bilirakis	Edwards (OK)	Jeffords
Bliley	Emerson	Jenkins
Boehlert	English	Johnson (CT)
Boggs	Erdreich	Jones (NC)
Boland	Espy	Jones (TN)
Bonior	Fascell	Kanjorski
Bonker	Fawell	Kasich
Borski	Fazio	Kennedy
Bosco	Feighan	Kennelly
Boucher	Fields	Kleczka
Brennan	Fish	Kolbe
Brooks	Flake	Konnyu
Broomfield	Flippo	Kostmayer
Brown (CA)	Florio	Kyl
Brown (CO)	Foglietta	LaFalce
Bruce	Ford (MI)	Lagomarsino
Bryant	Frenzel	Lancaster
Buechner	Frost	Lantos
Bunning	Gallegly	Leach (IA)
Burton	Gallo	Lehman (CA)
Bustamante	Gaydos	Lehman (FL)
Byron	Gejdenson	Lent
Callahan	Gekas	Levin (MI)
Campbell	Gephardt	Levine (CA)
Cardin	Gibbons	Lewis (CA)
Carper	Gilman	Lewis (FL)
Carr	Gingrich	Lightfoot
Chandler	Glickman	Livingston
Chapman	Gordon	Lloyd
Chappell	Gradison	Lott
Cheney	Grandy	Lowery (CA)
Clarke	Grant	Lujan
Clement	Gray (PA)	Luken, Thomas
Clinger	Green	Lukens, Donald
Coats	Gregg	Lungren
Coble	Guarini	MacKay
Coelho	Gunderson	Madigan
Coleman (MO)	Hall (OH)	Manton
Coleman (TX)	Hall (TX)	Markey
Collins	Hamilton	Marlenee
Martin (IL)	Petri	Smith, Denny (OR)
Martin (NY)	Pickett	Smith, Robert (NH)
Martinez	Pickle	Smith, Robert (OR)
Matsui	Porter	Snowe
Mavroules	Price	Solarz
Mazzoli	Pursell	Solomon
McCandless	Quillen	Spratt
McCloskey	Rahall	Staggers
McCollum	Rangel	Stallings
McCrery	Ravenel	Stangeland
McCurdy	Ray	Stenholm
McEwen	Regula	Stratton
McGrath	Rhodes	Stump
McHugh	Richardson	Sundquist
McMillan (NC)	Ridge	Swindall
McMillen (MD)	Rinaldo	Tallon
Meyers	Ritter	Tauke
Mfume	Roberts	Tauzin
Miller (OH)	Robinson	Thomas (CA)
Miller (WA)	Rodino	Thomas (GA)
Mineta	Roe	Torres
Moakley	Rogers	Torricelli
Molinari	Rostenkowski	Towns
Mollohan	Roth	Traxler
Montgomery	Roukema	Udall
Moody	Rowland (CT)	Upton
Moorhead	Rowland (GA)	Valentine
Morella	Saiki	Vander Jagt
Murphy	Sawyer	Visclosky
Murtha	Saxton	Volkmer
Myers	Schaefer	Vucanovich
Nagle	Schneider	Walgren
Natcher	Schuette	Walker
Neal	Schulze	Watkins
Nelson	Sensenbrenner	Waxman
Nichols	Sharp	Weber
Nielson	Shaw	Weldon
Nowak	Shays	Whittaker
Oakar	Shumway	Whitten
Olin	Shuster	Williams
Ortiz	Sisisky	Wise
Owens (UT)	Skaggs	Wolf
Oxley	Skeen	Wortley
Packard	Skelton	Wylie
Parris	Slattery	Yatron
Pashayan	Slaughter (NY)	Young (AK)
Patterson	Slaughter (VA)	Young (FL)
Payne	Smith (FL)	
Pease	Smith (IA)	
Penny	Smith (NE)	
Pepper	Smith (NJ)	
Perkins	Smith (TX)	

NAYS—54

Atkins	Hochbrueckner	Sabo
AuCoin	Johnson (SD)	Savage
Coyne	Jontz	Scheuer
DeFazio	Kastenmeier	Schroeder
Dellums	Kildee	Schumer
Donnelly	Leland	Sikorski
Downey	Lewis (GA)	St Germain
Durbin	Lowry (WA)	Stark
Dymally	Miller (CA)	Stokes
Eckart	Morrison (CT)	Swift
Edwards (CA)	Morrison (WA)	Synar
Evans	Mrazek	Traficant
Frank	Oberstar	Vento
Gonzalez	Obey	Weiss
Goodling	Owens (NY)	Wheat
Hawkins	Panetta	Wolpe
Hayes (IL)	Pelosi	Wyden
Hertel	Roybal	Yates

NOT VOTING—31

Bentley	Ford (TN)	Mica
Biaggi	Garcia	Michel
Boulter	Gray (IL)	Rose
Boxer	Kaptur	Russo
Clay	Kemp	Spence
Conyers	Kolter	Studds
Crockett	Latta	Sweeney
Daub	Leath (TX)	Taylor
Davis (IL)	Lipinski	Wilson
Dowdy	Mack	
Foley	McDade	

□ 1414

Mr. KASTENMEIER changed his vote from "yea" to "nay."

Mr. MARLENEE, Ms. SLAUGHTER of New York, Mr. WAXMAN, and Mr. KENNEDY changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was placed on the table.

□ 1415

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just adopted.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

CLARIFYING STATUS OF SUBMERGED LANDS IN THE STATE OF ALASKA

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2629) to amend the Alaska National Interest Lands Conservation Act of 1980 to clarify the conveyance and ownership of submerged lands by Alaska Natives, Native Corporations, and the State of Alaska, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 5, after line 10, insert:

SEC. 103. (a) IN GENERAL.—The Secretary shall prepare a report that assesses the effects of the implementation of section 101 of this Act on Conservation System Units as defined in section 102(4) of the Alaska National Lands Conservation Act and makes recommendations for appropriate action.

(b) SCOPE OF REPORT.—The report required to be prepared under subsection (a) shall at a minimum—

(1) identify and estimate the acreage of all lands currently patented to or selected by a Native, Native Corporation, or the State pursuant to the Alaska Native Claims Settlement Act, the Alaska National Interest Lands Conservation Act, the Alaska Statehood Act, or this Act that is within the boundaries of Conservation System Units;

(2) establish priorities for the acquisition of lands currently patented to or selected by a Native, Native Corporation or the State that are within the boundaries of Conservation System Units;

(3) make recommendations as to administrative or Congressional action deemed appropriate to reduce any adverse effects of section 101 on the management of lands or resources within Conservation System Units.

(c) SUBMISSIONS TO CONGRESS.—Within one year after the date of enactment of this Act, the Secretary shall submit a report pursuant to subsections (a) and (b) of this section to the Committee on Environment and Public Works and Committee on Energy and Natural Resources of the United States and to the appropriate committees of the United States House of Representatives.

Mr. MILLER of California (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. YOUNG of Alaska. Mr. Speaker, reserving the right to object, I shall not object, and I yield to the gentleman from California [Mr. MILLER] for an explanation of the bill.

Mr. MILLER of California. Mr. Speaker, I thank the gentleman from Alaska for yielding.

Mr. Speaker, I rise in support of H.R. 2629. This legislation was approved by the Interior and Insular Affairs Committee on July 29, 1987, and passed unanimously by the House of Representatives on August 3, 1987. The Senate Energy and Natural Resources Committee favorably reported H.R. 1516, without amendment, on March 2, 1988. The Senate adopted an amendment and passed the House legislation by voice vote on July 14, 1988.

SUMMARY

Title I is intended to resolve complex problems related to the coveyance of submerged lands under the multitude of lakes and rivers in Alaska. This title ratifies the Department of the Interior's 1983 decision to apply the Bureau of Land Mangement's [BLM] "Manual of Instructions for the Survey of the Public Lands of the United States (1973)" [Manual] to land conveyances to the State of Alaska under the 1958 Alaska Statehood Act (Public Law 85-508) and to Alaska Native corporations pursuant to the 1971 Alaska Native Claims Settlement Act (ANCSA, Public Law 92-203).

Title II clarifies that Congress must review and specifically approve any exchanges or other land conveyances by the Department within the coastal plain of Alaska's Arctic Wildlife Refuge [ANWR]. This amendment to section 1302(h) of the 1980 Alaska National Interest Lands Conservation Act [ANILCA] is in response to the Department's megatrade proposal to swap 73 highly prospective oil and gas tracts on 166,000 acres in ANWR—valued at $539 million—for 896,000 acres of Native corporation inholdings within seven other national wildlife refuges in Alaska. The Department asserts that it currently has the legal authority to execute the "megatrade" exchanges without congressional approval.

Title II approves Public Land Order No. 6607, dated July 8, 1985, thereby adding approximately 325,000 acres to the 19 million acres managed by the U.S. Fish and Wildlife Service in the ANWR.

Finally, Senators METZENBAUM and BURDICK added a new section to H.R. 2629 that would direct the Secretary to assess—and report to Congress with recommendations to mitigate—any adverse effects on national wildlife refuges, national parks and other conservation system units in Alaska from implementation of the land conveyance practices set forth in title I.

SUBMERGED LANDS

Title I of H.R. 2629 is substantially identical to section 918 of H.R. 39 as it passed the House in 1979.

Under the Alaska Statehood Act, the State received a total land entitlement of approximately 105 million acres, while Alaska's Native corporations received about 44 million acres under ANCSA. The State also received title to submerged lands underlying navigable lakes and rivers under the Submerged Lands Act. These submerged lands are transferred to the State in addition to, not as a part of, the entitlement acreage.

The controversy in Alaska centers on the definition of "navigable" waters and the administrative standards by which submerged lands are conveyed and charged against State and ANCSA acreage entitlements. BLM's standard practice in other States is to convey the beds of lakes over 50 acres and rivers of over 198 feet wide to the riparian owners without charging the submerged lands against the recipients acreage entitlement.

Because of judicial disputes over the proper criteria for determining navigability, and the Department's policy, prior to 1983, of applying different land conveyance rules in Alaska than in any other State, many riverbeds and lakebeds claimed by the State have instead been conveyed by the BLM to Native corporations and charged against their ANCSA acreage entitlements. A similar dispute exists with regard to chargeability of acreage for entitlement conveyances to the State.

Under section 901(a) of ANILCA, the State has only a limited period of time in which to contest Federal navigability decisions concerning title to lands underlying rivers and lakes which have been conveyed to Alaska Native corporations by the BLM. The combination of unique administrative conveyance practices prior to 1983 and the limitations period in section 901(a) raise the potential for extensive litigation in Federal court by the State to quiet title to submerged lands that have been conveyed to Native corporations.

H.R. 2629 would permanently repeal section 901(a)'s statute of limitations on navigability litigation, which has already been extended twice by Congress since 1980. As a result, much expensive and unnecessary deadline litigation between the Federal Government, State, and Native corporations would be avoided, and the pattern of navigability lawsuits in Alaska would be spread out over time and approximate that of other States.

H.R. 1516 would also alleviate much of the problem concerning submerged lands and acreage chargeability by applying uniform conveyance rules set forth in the 1973 BLM Manual to Alaska. This would assure equality of treatment between such conveyances in Alaska and the transfer of public lands in other States and also assure that both the State and Alaska Natives receive their full land entitlements under the Statehood Act and ANCSA.

The Metzenbaum-Burdick amendment to H.R. 2629 was partly inspired by a BLM study which concludes that applying the land conveyance practices of title I may result in an additional conveyance to the State and Native corporations of 1.8 million acres of public lands. Of this total, BLM estimates that about 713,038 acres could be conveyed to Native corporations with entitlements within the boundaries of conservation system units, primarily national wildlife refuges. The State of Alaska disputes this BLM study and estimates that, based on recent favorable judicial navigability decisions, the total impact of title I would be between 300,000 and 783,000 acres of additional conveyances to the State and Native corporations.

The Metzenbaum-Burdick amendment requires that the Secretary engage in a systematic review of any adverse effects of title I on wildlife refuges, parks and other conservation system units in Alaska. It is important to note that, although this amendment directs the Secretary to report to Congress within 1 year with recommendations, it most definitely does not authorize the Secretary to unilaterally engage in land exchanges or acquisitions of inholdings prior to review of the report by Congress and additional legislative guidance. Such actions may in fact not be necessary or desirable public policy.

As a final note on title I, I would like to especially acknowledge the perseverance and effort over the past years on the submerged lands issue by Don Mitchell, counsel to the Alaska Federation of Natives and by John Katz, Director of Federal/State Relations and Special Counsel to Alaska Gov. Steve Cowper. They deserve a tremendous amount of credit from Alaskans for the enactment of this significant legislation, at long last, into law.

ANWR MEGATRADE

Title II of H.R. 2629 is identical in intent to separate ANWR land exchange legislation introduced on July 23, 1987, in the House by myself, Congressman STUDDS and Congressman YOUNG and in the Senate by Senator BILL BRADLEY—S. 1493.

The language in this title is neutral; it only requires that Congress have

the final say on land exchanges involving the 1.5-million acre ANWR coastal plain and on any land selections after July 28, 1987, by the Kaktovik Inupiat Corporation [KIC], Arctic Slope Regional Corporation [ASRC] or individual Natives pursuant to ANCSA, the Chandler Lake exchange, the Native Allotment Act or this or any other act.

Mr. Speaker, I am not neutral on the Department's proposed ANWR megatrades. The megatrade process is so flawed and the proposal so far outside the realm of the public interest that the Congress can not possibly accept it. If people believe that this concept is part of the bargain for the Congress to open ANWR to oil and gas development, then this is fatal to that determination.

On July 7, 1987, the Subcommittee on Water and Power Resources, which I chair, held an oversight hearing on the Department's proposed ANWR land exchanges. We received testimony from the General Accounting Office based on their draft report, prepared at my request, entitled "Federal Land Management: Consideration of Proposed Alaska Land Exchanges Should Be Discontinued" (GAO/RCED-88-179).

The GAO's testimony is an incredible indictment of the megatrade process and concept. The Secretary's recommendation to Congress in the section 1002 report described the coastal plain of the ANWR as "the Nation's single best opportunity to increase significantly domestic oil and gas production over the next 40 years." Yet William P. Horn, the Assistant Secretary for Fish, Wildlife and Parks, was maneuvering to hand out this resource in a nonpublic, noncompetitive, unprecedented manner to Alaska Native corporations and their oil company partners long before the Congress even began to consider whether to open the area to development.

The GAO testified that it "would not be in the Government's best interests to proceed with the proposed exchanges" for the following reasons:

First. About three-fourths of the Native inholdings the Federal Government would acquire would provide only limited wildlife and habitat protection benefits;

Second. The negotiated price the Federal Government would pay for the Native inholdings is six times their appraised fair market value;

Third. The actual values of the oil and gas tracts that the Native corporations would acquire in ANWR are unknown and the estimated values are highly uncertain because they are based on limited surface seismic data;

Fourth. Accepted methods for dealing with uncertainty—requiring competitive bidding for the tracts and retaining a continuing royalty interest for the Government in the actual amounts of oil and gas that may be produced—were not employed.

Interior has repeatedly represented that the megatrade proposal involves an equal value exchange since the Department has valued both the Native inholdings that the Government would acquire and the oil and gas tracts the Native corporations would acquire at $539 million. The compelling evidence presented by the GAO, however, shows that the Department is playing very loose with the public's resources, paying a premium price at one end for the Native corporation inholdings and giving away the ANWR tracts at bargain basement prices at the other.

What is it we are actually acquiring from the Native corporations? The Assistant Secretary privately negotiated to inflate the fair market appraised value of the Native inholdings from $90 million to $539 million on the basis of public interest considerations. Yet none of the 896,000 acres of Native refuge inholdings are on the Department's national priority list for acquisition. Only 9 percent or 180,000 acres of the top 2 million acres of Fish and Wildlife Service priorities in Alaska are involved in the swap. Thirty-one percent of the Native lands are rated by the F&WS refuge managers as low priority or unsuitable for acquisition. Thirty-nine percent are already protected against development that would materially impair refuge values under section 22(g) of ANCSA. Fifty-five percent of the lands contain a subsurface interest which is retained by the Native corporations. The majority of the affected Native residents also retain in perpetuity easements for subsistence access to the lands they are trading to the Federal Government.

What is it that we are giving up in ANWR? The Department wants to trade away to a handful of selected Native corporations and their oil industry partners the potential for major revenues—possibly billions of dollars—that would be generated by major discoveries in ANWR. The 166,000 acres of ANWR selections in the proposed exchanges, in combination with the 92,000 acres acquired in the 1983 Chandler Lake exchange by the Arctic Slope Regional Corporation [ASRC], would result in the noncompetitive conveyance of more than 250,000 of the most highly prospective acres within the coastal plain. According to an analysis by the State of Alaska's Division of Oil and Gas, all 73 tracts selected by the Native corporations, with the advice of the Nation's major oil companies in the secret session last year in an Arlington hotel overlie the highest potential structures in ANWR.

In testimony on July 7 in opposition to the megatrades, the State of Alaska gave the following assessment:

> The proposed exchanges involve a large proportion of the best or most highly prospective coastal plain lands. We believe fair market value can only be assured through a fully open and competitive leasing program and retention of royalty interests on all the ANWR tracts. The fairness and equity of competitive leasing, as well as the risk reduction and maximization of revenues to the federal government, are in marked contrast to the terms of the proposed exchanges.

The Department simply does not have the quantity or quality of data in ANWR to accurately put a price tag on the future value of individual 2,560-acre tracts. BLM had no well data from within ANWR to use in its tract valuation process because the Department specifically failed to obtain access to the KIC well drilled by Chevron and British Petroleum under the terms of the 1983 Chandler Lake exchange.

The terms of two of the agreements between Native corporations and their oil companies demonstrate that BLM in fact vastly undervalued the ANWR tracts involved in the megatrade. Four of the Native groups have refused to provide their agreements to the subcommittee or to the public.

Koniag, Inc. wants to exchange 122,564 acres of inholdings within the Kodiak National Wildlife Refuge for 3,183 acres in ANWR. Koniag's selection was assisted by Chevron which has the advantage of data from the KIC well drilled on lands adjacent to the coastal plan. This is viewed by the Department as an equal value exchange of $77.4 million. Yet Phillips was willing to pay $55 million for only a 49-percent interest in a lease option. Koniag would also receive a 20-percent royalty on production from its leases which can ultimately be converted to a 40 percent net profit share. Koniag would also receive an overriding royalty on any other activities of its oil company partners within six miles of the selected tract.

Old Harbor Native Corp. proposes to exchange 90,355 acres of refuge land for 57,679 acres in ANWR. The Department considers this to be an equal value exchange of $45.7 million in assets. Yet Texaco would essentially remove any risk to Old Harbor by giving the Native corporation a "hold harmless" deal of $45.7 million in cash for a lease option. In addition, Old Harbor would stand to gain a tremendous windfall of 14-percent royalty on production for its ANWR tracts and a 1.5-percent overriding royalty on production on any other Texaco leases in ANWR.

Why are the oil companies willing to put up such enormous sums of money and agree to such generous terms with the Native corporations? First, because the Department's secret tract selection process last year gave them an opportunity to pick tracts without competi-

tive bidding against other companies. Second, under the terms of the proposed agreements with Interior, and because Alaska Native corporations are exempt from NEPA under section 910 of ANILCA, the oil companies would not have to wait for environmental regulations to be issued or for the first ANWR lease sale to be conducted before conducting exploratory drilling on the privately owned Native corporation tracts.

Mr. Speaker, the megatrade proposal was never designed to provide a fair return to the public for disposition of what is described by the Department the most valuable remaining oil and gas prospect in the Nation. It was not designed with the primary intent of acquiring "crown jewels" for the national wildlife refuge system. This was designed to be a lobbying system. This was designed to put together a political coalition of Native Alaskans in an attempt to generate support from environmentalists and the Democratic Congress to open ANWR, while at the same time masking an incredible giveaway to a few Native corporations and their oil company partners.

The absolute bankruptcy of justification for the megatrades is reflected in the continuing controversies over the previously executed Chandler Lake exchange between the Department and the Arctic Slope Regional Corp. In hearings before my subcommittee in June, ASRC argued that, because of its exchange contract with the Department—which was executed without congressional scrutiny or approval—Congress can not, when enacting ANWR legislation, establish different terms and conditions on the pace of development on their 92,000 acres of private inholdings on the coastal plain without subjecting the Federal Government to fifth amendment liability. Further, ASRC asserts that it successfully avoided sharing ANWR revenues with other Native corporations under the terms of section 7(i) of ANCSA by cleverly constructing its exchange.

In testimony to the Senate Energy and Natural Resources Committee on October 20, 1987, the BLM cited a technical problem in title II of H.R. 2629. The BLM is concerned the Kaktovik Inupiat Corp. [KIC] may be underselected and that title II of the legislation could be considered to create an additional barrier to KIC, and to ASRC which obtains the subsurface by virtue of the Chandler Lake exchange.

The Interior Committee record is absolutely clear on this matter. The technical problem cited by BLM is intended to be a barrier to conveyances in ANWR. As the author of title II, it is my intent to require congressional approval for any additional KIC/ASRC selections or BLM conveyances, regardless of whether the act or exchange which gave rise to such entitlement predated July 28, 1987.

At the hearing I chaired on H.R. 2629 on June 11, 1987 (serial No. 100-32), I raised my concern with KIC underselections with the BLM's witness, James Parker:

Mr. MILLER. Am I correct that BLM's position in the case of the underselected village of Kaktovik in ANWR is that they would not be selecting in ANWR?

Mr. PARKER. The way it stands right now, they are underselected by about 2,386 acres, I believe. They would have to, under our present policy, go outside the refuge for that.

The committee report on H.R. 2629 (Rept. 100-262) clearly states our intention that all land selections subsequent to July 28, 1987, in the ANWR coastal plain—whether by virtue of ANCSA, the Chandler Lake exchange, title I of this act, or any other administrative action—are subject to prior congressional approval:

With respect to any additional lands within the coastal plain to which the Kaktovik Inupiat Corporation or the Arctic Slope Regional Corporation may claim to be entitled on the basis of actions taken on or subsequent to July 28, 1987, section 201 prohibits the conveyance of such lands until the conveyance is authorized by an Act of Congress.

Mr. Speaker, although we have a difference of opinion on the Department's megatrade, I would like to recognize the contribution that Mr. YOUNG, the committee's ranking minority member, has made to the Native community and to the State of Alaska. Last December we passed the Alaska Native Claim Settlements Act Amendments of 1987 (Public Law 100-241). The basic intent of this legislation was to help assure that Native Alaskans retain control of their corporations and their lands. The act contains a number of important provisions, such as an automatic extension of the Alaska Land Bank immunities from taxation and creditor actions to all undeveloped Native lands. I share Mr. YOUNG's concern for the future of Native Alaskans and I am pleased to join with him in support of H.R. 2629 and in particular the submerged lands title which is of great significance to his constituents.

Mr. YOUNG of Alaska. Mr. Speaker, further reserving the right to object, as we have come to know in this Chamber, Alaska land law is complicated and difficult to resolve when environmental disputes are involved. In this case, I am pleased to say that we have resolved a long-standing dispute over the proper method allocating submerged lands in Alaska. I compliment the gentleman from California for his efforts to resolve this difficult dispute and tell my colleagues that this legislation resolves one of remaining issues from implementation of the two basic land entitlement statutes—ANCSA and the Alaska Statehood Act. Under this bill, the full land entitlements which are available to the State of Alaska and Alaska Native Corporations will be met.

Mr. Speaker, I am pleased that this legislation—which I first introduced 4 years ago—will now become law.

Finally, Mr. Speaker, I would note that the gentleman from California and I do not agree on the merits of the proposed ANWR land exchanges. That dispute we will resolve another day.

Mr. Speaker, I urge the passage of this legislation at this time.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. Is there objection to the initial request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just adopted.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4800, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1989

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4800) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations and offices for the fiscal year ending September 30, 1989, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. WALKER. Mr. Speaker, reserving the right to object, I shall not object, but what I would like to do is ask the gentleman from Massachusetts [Mr. BOLAND] a question, if I could.

Can the gentleman indicate to me what his intention is with regard to the drug-free workplace language?

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, that particular line is open for discussion when we get to conference, but my understanding is that in the Treasury bill there is a provision which we can agree to and we would agree to.

Mr. WALKER. That is this gentleman's understanding, too, and I just want to make sure that is the general understanding among the people who are going to be going to conference, that what we will be doing is putting language in the Treasury appropriations bill which is agreed-to language by both the Senate and the House which has been agreed to by this gentleman who was the original sponsor of the amendment, and that would then cover the gentleman's bill and all other appropriations bills.

Mr. BOLAND. Mr. Speaker, that is my understanding, and the gentleman from Pennsylvania is correct.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Massachusetts.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and appoints the following conferees: Messrs. BOLAND, TRAXLER, and STOKES, Mrs. BOGGS, and Messrs. MOLLOHAN, SABO, WHITTEN, GREEN, COUGHLIN, LEWIS of California, and CONTE.

APPOINTMENT OF CONFEREES ON H.R. 4867, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION, 1989

Mr. YATES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4867) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1989, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? The Chair hears none, and appoints the following conferees: Messrs. YATES, MURTHA, DICKS, BOLAND, AUCOIN, BEVILL, WHITTEN, REGULA, MCDADE, LOWERY of California, and CONTE.

APPOINTMENT OF CONFEREES ON H.R. 4783, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION ACT, 1989

Mr. NATCHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4783) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1989, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

MOTION TO INSTRUCT CONFEREES

Mr. CONTE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CONTE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4783, be instructed not to agree to the Senate amendment numbered 103 concerning Low Income Home Energy Assistance, and to seek an appropriation for the Low Income Home Energy Assistance Program at an amount as close as possible to the House-passed level.

The SPEAKER. The gentleman from Massachusetts [Mr. CONTE] is recognized for 1 hour.

Mr. NATCHER. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Speaker, ordinarily I would object as the chairman of the subcommittee to the motion made by my friend, the gentleman from Massachusetts. In this instance, Mr. Speaker, he is correct. We accept the motion on this side.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it may seem unusual for the ranking minority member to offer an instruction to his own subcommittee's conferees, but there is one issue our subcommittee will have to deal with that I believe deserves special attention.

That issue is the Low-Income Home Energy Assistance Program.

This program has been savagely cut in the last few years. But, this year, I believe our conferees have an opportunity to stem the tide of these cuts.

You've all heard the claim that there are billions of dollars in oil overcharge money pouring into States which can painlessly offset Federal cuts in LIHEAP. But, this year, we finally have the facts that show the real story.

Before this conference begins, I believe it is important that we arm our conferees with this House's support for a responsible funding level for LIHEAP. And, with a quick review of the facts we now have, I think we can do that right now.

The argument for cutting LIHEAP is very simple. It says that States are receiving money from oil manufacturers who violated the price controls that were in effect from 1973 to 1981. Therefore, the Federal Government can cut its funding for LIHEAP because, if States really care about this program, they'll use their oil overcharge money to make up for any Federal cuts.

But I can give you five simple facts which show that that simple argument just doesn't hold up.

First, the amount of oil overcharge money that States can expect to receive is very uncertain. That's because this money is only available after successful litigation by the Federal Government against the oil companies. And, of the 148 cases currently in judicial litigation, more than half of them involve companies that are now bankrupt.

Second, the settlement amounts we hear about are much greater than the amounts that actually reach the States. Under the formula now being used to distribute these funds, States receive only about 40 percent of the amounts collected, at best.

Third, these payments to States are not made immediately after settlement of a case, nor are they made in one lump sum. Instead, they are often paid out gradually over a period of 5 years or more.

Fourth, the formula used to distribute LIHEAP money to States is very different from the formula used to distribute oil overcharge money to States. In other words, overcharge money is not a simple dollar-for-dollar replacement for LIHEAP cuts.

Instead, if the Federal Government were to cut LIHEAP funds by the amount of money that could be expected in oil overcharge distributions, the result would be some States receiving twice as much as their population's need called for, while other States received up to one-third less than LIHEAP's need-based formula would have given them.

Finally, those who support LIHEAP cuts are ignoring the fact that States cannot put all their overcharge money into LIHEAP. The Federal court decision that governs these oil overcharge distributions, and the Department of Energy rulings which approve State plans to spend this money, both require that it be spread across a variety of energy programs and consumer groups. That's because this money is restitution for the past overcharges that were imposed on all these programs and consumers. Assuming that all this money can be put into

LIHEAP is just closing your eyes to the facts.

I'm not here to set a specific funding level for LIHEAP right here and right now. That's not what this motion is all about. Our conferees will have to have flexibility to work with the Senate in conference, and they'll have to make a lot of tough choices. I don't want to tie their hands.

I do, however, want to send a signal to the Senate—it is the Senate that has been slashing this program year after year, while we in the House fight to protect it. I want to let the Senate know, loud and clear, that our commitment hasn't changed, that we have GAO reports, HHS surveys, letters from 40 State Governors, and more with which to fight.

This body has already gone on record in support of LIHEAP—not only in the letter signed by 206 Members asking that we keep the funding as high as possible, but also in the rollcall vote of June 15, where 369 Members voted to protect LIHEAP from a proposed $200 million cut.

I know our conferees will bring back a result we can be proud of. All I ask is that we send the Senate a message today that says that the whole House stands behind these conferees. I think that message needs to be sent, and I urge my colleagues to support this motion.

Mr. KENNEDY. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my good friend, the gentleman from Massachusetts.

Mr. KENNEDY. Mr. Speaker, if we look around the country today, the fact is we hear nothing more than triple digit numbers throughout the country in terms of temperatures that are occurring. People, when they go to the gas pump, are finding that the price of gasoline is stabilized, if not going down, and for the ordinary American, we think that the energy crisis is past. But for the poorest people in our society, for the most vulnerable people in our society, for the elderly widow on Social Security or Supplemental Security Income, her income is $447 a month, and my colleagues know that in the 6 winter months in Massachusetts one has to spend at least $200 a month to be able to pay for heating bills, and for us to be trying to balance this budget on the backs of the poorest people in our society when those people need that help in the wintertime is just wrong.

So, Mr. Speaker, I support the efforts of the gentleman from Massachusetts [Mr. CONTE] and the efforts of the gentleman from Kentucky [Mr. NATCHER] and others to restore the funding to LIHEAP, the program they need so vitally.

Mr. CONTE. Mr. Speaker, I want to take this opportunity to thank the gentleman from Massachusetts [Mr. KENNEDY], my colleague, for his contribution. Long before he came to the U.S. Congress he had a vital interest in this. He started his own little oil company to help the poor people in Massachusetts and did a remarkable job in seeing that people had enough money or enough fuel in the wintertime so that they could both eat and keep warm.

As I was going to say, 206 Members of this House have sent letters to the gentleman from Kentucky [Mr. NATCHER] and myself asking that the figures should be a billion eight, which it should have been, and it was cut to a billion one last year and finally compromised at a billion five between the Senate and the House. And this year on June 15, 369 Members of this House voted to protect LIHEAP from a proposed $200 million cut.

Mr. Speaker, I hope my amendment is adopted.

The SPEAKER. The question is on the motion to instruct offered by the gentleman from Massachusetts [Mr. CONTE].

The motion was agreed to.

The SPEAKER. The Chair appoints the following conferees: Messrs. NATCHER, SMITH of Iowa, OBEY, ROYBAL, STOKES, EARLY, DWYER of New Jersey, HOYER, WHITTEN, CONTE, PURSELL, PORTER, YOUNG of Florida, and WEBER.

□ 1430

APPOINTMENT OF CONFEREES ON H.R. 4775, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1989

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4775) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1989, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. ROYBAL, AKAKA, HOYER, COLEMAN of Texas, BOLAND, YATES, WHITTEN, LOWERY of California, SKEEN, WOLF, and CONTE.

APPOINTMENT OF CONFEREES ON H.R. 4794, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1989

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1989, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Florida? The Chair hears none, and appoints the following conferees: Messrs. LEHMAN of Florida, GRAY of Pennsylvania, CARR, DURBIN, MRAZEK, SABO, WHITTEN, COUGHLIN, CONTE, WOLF, and DELAY.

NATIONAL TRAILS SYSTEM IMPROVEMENTS ACT OF 1988

Mr. VENTO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1544) to amend the National Trails System Act to provide for cooperation with State and local governments for the improved management of certain Federal lands, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. YOUNG of Alaska. Reserving the right to object, Mr. Speaker, and I shall not object, I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, S. 1544 is the companion bill to a House bill (H.R. 2641) introduced by the gentlewoman from Maryland [Mrs. BYRON] and cosponsored by many other Members, that was reported from the Interior and Insular Affairs Committee and passed by the House in April of this year.

The Senate bill is nearly identical to the House bill in most respects. Its major purpose is to provide for the retention of whatever rights the United States may have in certain lands formerly granted for railroad rights-of-way, to facilitate their management for trail or other recreational purposes, should the lands no longer be used for railroad purposes.

Like the House bill, S. 1544 has been carefully drawn. It would not attempt to establish whether in fact the United States has any such rights in any particular case. That question will have to be decided on a case-by-case basis taking into account previous statutes and Supreme Court decisions that were predicated on the fact that at least some federally granted rights-of-way carried an express or implied condition of reversion to Federal ownership if the property ceased to be used for the purposes granted.

The amendments I am offering in the House today clarify two matters in

S. 1544. First, under S. 1544 when a retained right-of-way is outside a conservation area or a national forest, and it has been determined to be suitable for public recreational use, the Secretary is to manage it for such use—but the Secretary may also allow its utilization for additional uses, permitted under applicable law. The House amendment provides that such additional uses are permissible as long as they do not preclude trail use. This would permit, for instance, utility corridors to be developed with trails along appropriate abandoned rights-of-way.

Similarly, the Senate bill has provided somewhat different language regarding the extent to which a local government or another entity seeking to manage a retained right-of-way would have to protect the United States from any claims of liability in connection with the lands involved. The House amendment would clarify the extent to which the United States would be protected from any claims of liability and is consistent with the recommendations we received from the appropriate Federal agencies with an interest in this matter.

Mr. Speaker, legislation to facilitate the retention and management for recreational purposes of those interests the national Government may have in the lands granted for right-of-way purposes is sound public policy. The gentlewoman from Maryland deserves credit for her leadership on this matter, and now that the Senate has sent to us a bill that is substantially consistent with her bill as already passed by the House, I believe that we should act today to expedite final consideration. I urge all Members to join me in support of S. 1544, as amended.

Mrs. BYRON. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentlewoman from Maryland, who is the original sponsor of the bill.

Mrs. BYRON. Mr. Speaker, as we know, S. 1544 would provide for the conversion of abandoned railroad rights-of-way to trail use wherever possible. When such a conversion is not a feasible option, a right-of-way can be sold—the proceeds from which would be placed in the land and water conservation fund for enhancement of other natural resources.

Perhaps one of the most significant aspects of this legislation is the recognition of the role that State and local governments and organizations can play in trail development.

Mr. Speaker, during the committee process we heard concerns from those who claimed that there was little or no Federal interest remaining in any of the abandoned rights-of-way. Existing statutes and past court decisions indicate that a Federal interest exists. However, there are a few recent legal decisions that have served to cloud the issue. In passing S. 1544, Congress is reaffirming that the preservation of these corridors is of national importance and that the Federal interest should be dedicated to recreational trail and other compatible public uses.

The legislation that we are today returning to the Senate for final consideration clarifies what I consider to be an important issue. The Senate bill recognizes that abandoned rights-of-way may, in cases, be appropriate for other uses. We would agree with that, but would like to be specify that these alternative uses must be compatible with trail conversion. The House-amended legislation also specifies protection of the U.S. Government from any liability claims.

Mr. Speaker, in closing S. 1544 provides a mechanism whereby the Government can couple the abandoned rail rights-of-way with the growing demand for trails—and at little cost to the Government.

I urge my colleagues to support this legislation.

Mr. YOUNG of Alaska. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I am about to offer some amendments. The amendments I am offering today would clarify two matters; first, under S. 1544 the retained right-of-way is outside the conservation area of a national forest and it has been determined to be suitable for public recreation use. The Secretary is to manage it for such use, but the Secretary may also allow its utilization for additional uses permitted under applicable law.

The House amendment provides that such additional uses are permissible as long as they do not preclude trail use.

This would permit, for instance, utility corridors to be developed with the trails along appropriated abandoned rights-of-way.

Similarly, the Senate language has provided somewhat different language regarding the extent to which a local government or another entity seeking to manage a retained right-of-way would have to protect the United States from any claims of liability in connection with the lands involved.

The House amendment would clarify the extent to which the United States would be protected from any claims of liability and is consistent with the recommendations we received from the appropriate Federal agencies with interest in this matter.

Mr. Speaker, these amendments will be offered when the gentleman withdraws his reservation of objection.

Mr. YOUNG of Alaska. Further reserving the right to object, Mr. Speaker, I will not object, but without passing on the merits of this legislation, I would like to point out that section 4 is very important to my State of Alaska and its cultural history. This section reauthorizes the Iditarod Historic Trail Advisory Council for an additional 10 years. As many of you are aware, the Iditarod is the last great race in the world. The Advisory Council for the Iditarod Trail is important to the future of this 1,040-mile dogsled race which occurs in some of the most hostile territory in the world.

Alaskans and Americans are proud of this last great race and the history which surrounds the trail. The addition of this section of the bill improves the bill greatly and I urge the Members' support.

S. 1544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Trails System Improvements Act of 1988".

SEC. 2. FINDINGS.

Congress hereby finds that—

(1) State and local governments have a special role to play under the National Trails System Act in acquiring and developing trails for recreation and conservation purposes.

(2) Many miles of public land rights-of-way have been granted to the railroads by the United States, and much of this mileage could be suitable for trail use at such time as it may be abandoned.

(3) The United States should retain any residual interest it may have in such public land rights-of-way and relinquish it, where appropriate, in favor of State and local governments or other nonprofit entities for trail purposes.

SEC. 3. NATIONAL TRAILS SYSTEM ACT AMENDMENTS.

Section 9 of the National Trails System Act (16 U.S.C. 1248) is amended by adding the following new subsections after subsection (b):

"(c) Commencing upon the date of enactment of this subsection, any and all right, title, interest, and estate of the United States in all rights-of-way of the type described in the Act of March 8, 1922 (43 U.S.C. 912), shall remain in the United States upon the abandonment or forfeiture of such rights-of-way, or portions thereof, except to the extent that any such right-of-way, or portion thereof, is embraced within a public highway no later than one year after a determination of abandonment or forfeiture, as provided under such Act.

"(d)(1) All rights-of-way, or portions thereof, retained by the United States pursuant to subsection (c) which are located within the boundaries of a conservation system unit or a National Forest shall be added to and incorporated within such unit or National Forest and managed in accordance with applicable provisions of law, including this Act.

"(2) All such retained rights-of-way, or portions thereof, which are located outside the boundaries of a conservation system unit or a National Forest but adjacent to or contiguous with any portion of the public lands shall be managed pursuant to the Federal Land Policy and Management Act of 1976 and other applicable law, including this section.

"(3) All such retained rights-of-way, or portions thereof, which are located outside the boundaries of a conservation system unit or National Forest which the Secretary

of the Interior determines suitable for use as a public recreational trail or other recreational purposes shall be managed by the Secretary for such uses, as well as for such other uses as the Secretary determines to be appropriate pursuant to applicable laws.

"(e)(1) The Secretary of the Interior is authorized where appropriate to release and quitclaim to a unit of government or to another entity meeting the requirements of this subsection any and all right, title, and interest in the surface estate of any portion of any right-of-way to the extent any such right, title, and interest was retained by the United States pursuant to subsection (c), if such portion is not located within the boundaries of any conservation system unit or National Forest. Such release and quitclaim shall be made only in response to an application therefor by a unit of State or local government or another entity which the Secretary of the Interior determines to be legally and financially qualified to manage the relevant portion of public recreational purposes. Upon receipt of such an application, the Secretary shall publish a notice concerning such application in a newspaper of general circulation in the area where the relevant portion is located. Such release and quitclaim shall be on the following conditions:

"(A) If such unit or entity attempts to sell, convey, or otherwise transfer such right, title, or interest or attempts to permit the use of any part of such portion for any purpose incompatible with its use for public recreation, then any and all right, title, and interest released and quitclaimed by the Secretary pursuant to this subsection shall revert to the United States.

"(B) Such unit or entity shall assume full responsibility for any and all legal liability which might arise with respect to such right-of-way.

"(C) Notwithstanding any other provision of law, the United States shall be under no duty to inspect such portion prior to such release and quitclaim, and shall incur no legal liability with respect to any hazard or any unsafe condition existing on such portion at the time of such release and quitclaim.

"(2) The Secretary is authorized to sell any portion of a right-of-way retained by the United States pursuant to subsection (c) located outside the boundaries of a conservation system unit or National Forest if any such portion is—

"(A) not adjacent to or contiguous with any portion of the public lands; or

"(B) determined by the Secretary, pursuant to the disposal criteria established by section 203 of the Federal Land Policy and Management Act of 1976, to be suitable for sale.

Prior to conducting any such sale, the Secretary shall take appropriate steps to afford a unit of State or local government or any other entity an opportunity to seek to obtain such portion pursuant to paragraph (1) of this subsection.

"(3) All proceeds from sales of such retained rights of way shall be deposited into the Treasury of the United States and credited to the Land and Water Conservation Fund as provided in section 2 of the Land and Water Conservation Fund Act of 1965.

"(4) The Secretary of the Interior shall annually report to the Congress the total proceeds from sales under paragraph (2) during the preceding fiscal year. Such report shall be included in the President's annual budget submitted to the Congress.

"(f) As used in this section—

"(1) The term 'conservation system unit' has the same meaning given such term in the Alaska National Interest Lands Conservation Act (Public Law 96-487; 94 Stat. 2371 et seq.), except that such term shall also include units outside Alaska.

"(2) The term 'public lands' has the same meaning given such term in the Federal Land Policy and Management Act of 1976.".

SEC. 4. IDITAROD HISTORIC TRAIL ADVISORY COUNCIL.

Section 5 of the National Trails System Act (16 U.S.C. 1241), as amended, is further amended as follows: In subsection 5(d) after the phrase "each of which councils shall expire ten years from the date of its establishment." insert "establishment, except that the Advisory Council established for the Iditarod Historic Trail shall expire twenty years from the date of its establishment.".

SEC. 5. CONDEMNATION.

(a) Nothing in this Act shall be construed as authorizing the Secretary of the Interior to use condemnation proceedings to retain or acquire all or any portion of a right-of-way described in this Act.

(b) Nothing in this Act shall be construed to expand or diminish existing condemnation authorities contained in the National Trails System Act, as amended.

AMENDMENTS OFFERED BY MR. VENTO

Mr. VENTO. Mr. Speaker, I offer two amendments, and ask unanimous consent that they be considered en bloc, considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The text of the amendments is as follows:

Amendments offered by Mr. VENTO: In section 3 of the bill, at the end of the new subsection (d)(3) which the bill would add to section 9 of the National Trails System Act, strike the period and insert ", as long as such uses do not preclude trail use."

In section 3 of the bill, revise the new subparagraph (B) of the new subsection (E)(1) which the bill would add to section 9 of the National Trails System Act so as to read as follows:

"(B) Such unit or entity shall assume full responsibility and hold the United States harmless for any legal liability which might arise with respect to the transfer, possession, use, release, or quitclaim of such right-of-way."

The SPEAKER. The question is on the amendments offered by the gentleman from Minnesota [Mr. VENTO].

The amendments were agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GERMAN-AMERICAN DAY

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 273) designating October 6, 1988, as "German-American Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Reserving the right to object, Mr. Speaker, the minority has no objections to this legislation.

Mr. THOMAS A. LUKEN. Mr. Speaker, I rise today to draw your attention to a very important resolution that officially designates October 6, 1988, as "National German-American Day." House Joint Resolution 458—Senate Joint Resolution 273, which has already passed the Senate and was considered and passed here in the House this afternoon, is now on its way to the President to be signed into law.

I introduced this legislation, along with Congressman LEE HAMILTON, on February 17, 1988, and have worked with the German-Americans in my district and across the country in an effort to obtain the necessary number of cosponsors in the House. During this time, I was both impressed and encouraged by the dedication of our German-Americans. Pride in their heritage and commitment to future success provides a contagious energy that serves as an inspiration to all.

German-Americans represent one of the largest ethnic communities in the United States, and this resolution recognizes the cultural contributions made by these outstanding people over the past three centuries. Since the first German immigrant arrived in this country, United States citizens of German ancestry have grown to an estimated 52 million.

I am honored to have been able to introduce this legislation that has received such overwhelming support—well over the number of cosponsors necessary in both bodies of Congress. This is truly an important sign of recognition and appreciation from the United States Congress to German-Americans across the country.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 273

Whereas, German-Americans, through their work and contributions to the culture of the United States since the arrival of the first German immigrants in the United States on October 6, 1683, have earned this very special day and tribute to their achievements;

Whereas, as they have before, so will Americans of German descent continue to contribute to the life and culture of the United States, and will work for and will support the Government of the United States, its democratic principles and the freedom of all people everywhere;

Whereas such contributions should be recognized and celebrated in 1988, and annually thereafter; and

Whereas common ties and lasting friendship exist between the United States and the Federal Republic of Germany and other

German speaking countries: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 6, 1988, is designated as "German-American Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL FAMILY CAREGIVERS WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 463) designating November 20-26, 1988, as "National Family Caregivers Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. CARR). Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Reserving the right to object, Mr. Speaker, the minority has no objection to this legislation before us.

Ms. SNOWE. Mr. Speaker, I would like to thank Mr. DYMALLY, chairman of the Subcommittee on Census and Population, and the ranking minority member of the subcommittee, Mrs. MORELLA, for bringing to the floor, House Joint Resolution 463 which designates the week of Thanksgiving, November 20 through November 26, 1988, as "National Family Caregivers Week." This bill has received the support of more than half of my colleagues in the house, and it is identical to Senate Joint Resolution 278.

As you know, National Family Caregivers Week has been signed into law for the past 2 years. Last year the outpouring of support for this legislation from prominent national organizations culminated in a policy forum on caregiving attended by over 300 individuals. This year, the Washington Business Group on Health will conduct a briefing in November highlighting the corporate sector to caregiving-related issues.

The broad-based support for this legislation is indicative of the important role families continue to play in the care of the frail and disabled. Indeed, three quarters of the noninstitutionalized disabled elderly rely solely on informal care. As such, family caregivers, primarily wives, daughters, and daughters-in-law, are the principal providers of the long-term care system. Today, a woman will spend 18 years caring for an aging parent and only 17 years caring for a child, a pattern that is expected to persist into the future.

Generally, family care is the main factor associated with the delay or prevention of nursing home care, making it not only humane, but also cost-efficient care. Although there is a false notion that families have withdrawn from the care of their relatives, the reality is that the family continues to be committed to their care, even at great financial or emotional cost.

Legislation designating National Family Caregivers Week remains as important today as it was when I first introduced the concept. We have only just begun to understand the essential role of the family in providing care to the frail and disabled. Congress, by passing this legislation, takes an important step in ensuring family members are given the credit they deserve. National Family Caregivers Week is a tribute to all informal caregivers across the country. This bill reflects our Nation's appreciation for caregivers by recognizing and commending their important contribution.

I want to thank my colleagues for their continuing support and to express my appreciation to the numerous private and voluntary organizations, such as the American Association of Retired Persons and the Washington Business Group on Health, for their efforts on behalf of this important bill.

Mr. Speaker, again I thank the chairman and the ranking minority member for their support of this joint resolution and I urge its adoption.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 463

Whereas the number of Americans who are age 65 or older is growing;

Whereas there has been an unprecedented increase in the number of persons who are age 85 or older;

Whereas the incidence of frailty and disability increases among persons of advanced age;

Whereas approximately 5.2 million older persons have disabilities that leave them in need of help with their daily tasks, including food preparation, dressing, and bathing;

Whereas families provide older persons help with such tasks, in addition to providing between 80 and 90 percent of the medical care, household maintenance, transportation, and shopping needed by older persons;

Whereas families who give care to older persons face many additional expenses, including the costs of home modifications, equipment rental, and additional heating;

Whereas 80 percent of disabled elderly persons receive care from their family members, most of whom are their wives, daughters, and daughters-in-law, who often must sacrifice employment opportunities to provide such care;

Whereas the role of the aged spouse as a principal caregiver has generally been understated;

Whereas family caregivers are often physically and emotionally exhaused from the amount of time and stress involved in caregiving activities;

Whereas family caregivers need information about available community resources;

Whereas family caregivers need respite from the strains of their caregiving roles;

Whereas the contributions of family caregivers help maintain strong family ties and assure support among generations; and

Whereas there is a need for greater public awareness of and support for the care that family caregivers are providing: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 20-26, 1988, is designated "National Family Caregivers Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEOGRAPHY AWARENESS WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 263) to designate the period commencing November 13, 1988, and ending November 19, 1988, as "Geography Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Reserving the right to object, Mr. Speaker, I yield to the chairman of the Census and Population Subcommittee, the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Speaker, I think it is very appropriate that we discuss this whole question of geography this week, because recently the National Geographic Society took a survey among Americans about world geography. I am sad to tell you, Mr. Speaker, that we scored very poorly. Of all the nations which participated in this, we came out something like 10th or 12th of the nations. Our students, our population, knew nothing about where countries were located, which was which and what was what. It was sort of an embarrassment for us.

I hope that this resolution will stimulate consciousness about this problem in our school system and that our children will, among other things, study geography as part of their education.

Mrs. MORELLA. Further reserving the right to object, Mr. Speaker, I associate myself with the remarks of the chairman, because I also feel it is imperative as a major world power that we recognize the world as the world and that geography awareness be stressed in all our schools and by all our people.

Mr. PANETTA. Mr. Speaker, I rise today in support of Senate Joint Resolution 263, which designates the week of November 19, 1988, as "Geography Awareness Week." This resolution, which was introduced by my distinguished colleague, Senator BRADLEY, is the companion to House Joint Resolution 478, which I introduced along with my esteemed friends and colleagues, Representatives GREEN and KILDEE. House Joint Resolution 478 now has more than the requisite number of cosponsors needed to be brought to the floor. However, as Senate Joint Resolution 263 passed the Senate last week, it is the measure actually before you today for consideration. This resolution, which was first introduced last year, is another expression of my strong belief in the importance of foreign language and international education.

To commence, I would like to thank my many distinguished colleagues who have lent their support to House Joint Resolution 478 in this session, as well as to House Joint Resolution 195 in the first session of this Congress, and also to thank Representatives FORD, DYMALLY, and MORELLA, for allowing this resolution to be brought up for consideration in a timely manner. It would indeed be good for this body to act on the resolution so soon after the Senate and to then hopefully be enacted shortly thereafter. In addition, at least as important, the sooner this resolution is passed, the more time educational and other institutions around the country will have to prepare for "Geography Awareness Week." During the first Geography Awareness Week, last year, there were literally thousands of activities across the country focusing on geography and its importance. At this time, I would also like to commend the National Geographic Society and its president, Gilbert Grosvenor, for their strong interest in this resolution. The society is again planning many activities this year in connection with Geography Awareness Week, and interest should be even greater this year than last.

Although some progress is being made, there is still considerable evidence for the need to increase our attention to this fundamental subject. The Gallup organization recently released a survey, commissioned by National Geographic, of nearly 11,000 adults in nine countries that was the largest international study of its kind to date. Overall, the survey found that Americans unfortunately ranked below all but two other countries, Italy and Mexico, that participated. among the specific findings, even with all of our involvement in the Persian Gulf, 75 percent of Americans could not locate that body of water on an unmarked map of the world.

Even with our very extensive involvement in Central America and with its proximity to the United States, 45 percent could not locate this region on the map. Also related to Central America, less than half knew in which country the Sandinistas and Contras are struggling for control, with many naming Lebanon, Afghanistan, or Iran. Regarding Africa, only 55 percent could identify South Africa as the nation in which apartheid is official government policy. One particularly disturbing result of the survey was that American young adults fared worse than those of any other participating country and than their post-World War II peers.

This news is not only shocking; it is frightening. We depend on a well-informed populace to maintain the democratic ideals which have made and kept this country great. When 95 of some of our brightest college students cannot locate Vietnam on a world map, even after our extensive involvement in that country, we must sound the alarm. When only 25 percent could name four countries that acknowledge having nuclear weapons, we must acknowledge that we are failing to sufficiently educate our citizens to work and live in an increasingly interdependent world. This is especially true when our young people, our future, are even less knowledgeable in geography than are adults.

This ignorance of geography, along with a comparable lack of knowledge of foreign languages and cultures, places the United States at a significant disadvantage with other nations economically, politically, and strategically. We cannot expect to remain a world leader if our populace does not even know who the rest of the world is.

In 1980, a Presidential Commission found that U.S. companies fare poorly against foreign competitors partly because Americans are often ignorant of things beyond our borders. As Gov. Gerald Baliles said in a Southern Governors Association report:

> Americans have not responded to a basic fact: the best jobs, largest markets, and greatest profits belong to those who understand the country with which they are doing business.

One of the key themes and tasks for this Congress has been restoring America's "competitiveness" in a highly complex, rapidly-changing world. Improving our knowledge of the geography, language, and culture of other lands is a concrete, attainable and important goal in the context of international trade and our place in the world economy. It is a substantial way to give content to the buzzword of competitiveness.

The understanding necessary to accomplish this, as I have said, can come only from knowledge of the peoples, cultures, resources, and languages of other nations. This is the sort of knowledge that the study of geography seeks to impart. Alarmingly, in spite of this, the discipline of geography has become seriously endangered in this country. Departments of geography are being eliminated from many institutions of higher learning, and less than 10 percent of elementary and secondary school geography teachers have even a minor in the subject.

However, in the midst of these negative indicators, I feel it is very important to note some hopeful signs that geography education is beginning to experience a long-awaited and badly needed resurgence. Among these.

The National Geographic Society has instituted a pilot school program in which schools in different parts of the country establish innovative geography education programs to test their effectiveness. Two of the schools, Alice Deal Junior High here in Washington and Audubon Junior High in Los Angeles, have won recognition for their programs in national competitions.

At the college level, the University of Tennessee is instituting a requirement that incoming students there have a certain level of knowledge of geography. The is going to cause elementary and secondary schools throughout the State to beef up their geography education programs.

In addition to the declaration of a national Geography Awareness Week, a number of States, including Oregon, Colorado, Alabama, North Carolina, Virginia, and Utah have all instituted such weeks at the State level. These are all important occasions to promote geography education and awareness in each State.

In California, the State board of education, after finding that students were sorely lacking in their knowledge of geography, adopted a new, statewide history-social studies framework in which geography will be studied in specific relation to the history and culture of each country, region, and period studied at each level. This is considered a potential landmark step, one that will hopefully initiate a broad movement for improving geography education throughout the country.

Mr. Speaker, we are a nation with worldwide involvements. Our global influence and responsibilities demand an understanding of the lands, languages, and cultures of the world. It is for this reason that I strongly urge my colleagues to support this resolution focusing national attention on the integral role that the knowledge of world geography plays in preparing our citizens for the future of our increasingly interdependent, interconnected world. It is my hope that again passing this resolution will be just one more step in a revitalization of the study of geography in this country. All of our citizens should have access to the type of edu-

cation that will help them appreciate the great beauty and diversity of this Nation, and its place in an even more diverse world. The passage of Senate Joint Resolution 263 will be an important step in this direction.

Mr. GREEN. Mr. Speaker, I am pleased to rise in support of Senate Joint Resolution 263 which designates the week of November 13–19, 1988, "Geography Awareness Week." Congressman LEON PANETTA and I sponsored this resolution in the House in order to address a serious problem that exists among Americans of all ages, but particularly our young people: geographic illiteracy. Last week the National Geographic Society and the Gallup organization confirmed the sad fact that Americans are woefully ignorant about geography. In a survey consisting of 81 questions, no more than half those tested in the United States could identify the country in which the Sandinistas and Contras are fighting. Half of the Americans tested could not name any Warsaw Pact nation. One out of seven Americans surveyed could not identify the United States on a world map.

If we expect to maintain our position as a world leader and if we intend to address with sensitivity and understanding the political, economic, environmental, social, and military challenges that face us in the international arena, our citizens must develop a better understanding of the world in which we live. The National Geographic Society, which has provided a window on the four corners of the world for the past 100 years, has taken this challenge to heart and in January donated $20 million to promote geographic education among American children. I applaud the commitment of National Geographic and hope it will spur new interest in geography among students around the United States. I am gratified that the House has been able to play an active role in this endeavor through Geography Awareness Week and I hope that this resolution will encourage States, cities, and schools to develop activities to promote geographic literacy.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 263

Whereas geography is the study of people, their environments, and their resources;

Whereas the United States of America is a truly unique nation with diverse landscapes, bountiful resources, a distinctive multiethnic population, and a rich cultural heritage, all of which contribute to the status of the United States as a world power;

Whereas, historically, geography has aided Americans in understanding the wholeness of their vast nation and the great abundance of its natural resources;

Whereas geography today offers perspectives and information in understanding ourselves, our relationship to the Earth, and our interdependence with other peoples of the world;

Whereas statistics illustrate that a significant number of American students could not find the United States on a world map, could not identify Alaska and Texas as the Nation's largest States, and could not name the New England States;

Whereas geography has been offered to fewer than one in ten United States secondary school students as part of the curriculum;

Whereas departments of geography are being eliminated from American institutes of higher learning, thus endangering the discipline of geography in the United States;

Whereas traditional geography has virtually disappeared from the curricula of American schools while still being taught as a basic subject in other countries, including the United Kingdom, Canada, Japan, and the Soviet Union;

Whereas an ignorance of geography, foreign languages, and cultures places the United States at a disadvantage with other countries in matters of business, politics, and the environment;

Whereas the United States is a nation of worldwide involvements and global influence, the responsibilities of which demand an understanding of the lands, languages, and cultures of the world; and

Whereas national attention must be focused on the integral role that knowledge of world geography plays in preparing citizens of the United States for the future of an increasingly interdependent and interconnected world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing November 13, 1988, and ending November 19, 1988, is designated as "Geography Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL CIVIL RIGHTS DAY

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 140) designating August 12, 1988, as "National Civil Rights Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Reserving the right to object, Mr. Speaker, it is interesting that this resolution comes up on the very day that our Census and Population Subcommittee just had a hearing to make permanent the Martin Luther King Commission. It also is appropriate to designate August 12, 1988, as National Civil Rights Day. It was 25 years ago in August of 1963 that Martin Luther King, Jr., led the Nation to Washington, DC, to demonstrate the need for legislation to protect the civil rights of the people of the United States.

This year also Congress passed the amendments to the Fair Housing and Civil Rights Restoration Act, and I think this commemoration demonstrates the commitment that Congress has to civil rights for all.

Mr. VISCLOSKY. Mr. Speaker, I am proud that the House of Representatives has overwhelmingly approved the resolution I introduced—House Joint Resolution 140—which designates August 12, 1988, as "National Civil Rights Day."

It is my hope that this day will be set aside to acknowledge the gains which have been made in the area of civil rights over the past decades. Furthermore, it should be a time for us to rededicate ourselves to ensure that the values upon which the country were founded apply to every American. This commemorative day honors all those courageous men and women who saw injustice and did not turn away but struggled to correct it. While I believe that we have progressed greatly in recent years, there is still much to be done.

I would be remiss if I did not recognize and salute the citizens of Gary, IN, for originating the idea of having a National Civil Rights Day.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 140

Whereas the people of the United States are the heirs and beneficiaries of the courageous men and women who struggled to achieve legal and social equality in the United States for men and women of every race, religion, and country;

Whereas such men and women include Martin Luther King, Jr., Susan B. Anthony, and Mary McLeod Bethune;

Whereas the people of the United States should not forget that constant vigilance is necessary to ensure the protection of civil rights and much yet remains to be accomplished with respect to securing civil rights for all the people of the United States;

Whereas in August 1963 Martin Luther King, Jr., led a march in Washington, DC, to demonstrate the need for legislation to protect the civil rights of the people of the United States;

Whereas August 12, 1988, is appropriate date on which to commemorate the progress made in securing civil rights and the need for continued progress; and

Whereas the National Civil Rights Museum and Hall of Fame will be constructed in Gary, Indiana, to pay continued tribute to the fallen national heroes of civil rights and the cause that they embraced: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 12, 1988, is designated as "National Civil Rights Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States—

(1) to pause for a minute of silence at noon on such day to pay tribute to the men and women who have struggled to secure civil rights for all the people of the United States;

(2) to ring church bells 11 times during the minute of silence as a remainder that the hour is late with respect to continuing progress in securing civil rights for all the people of the United States, and

(3) to observe such day with other appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL SENIOR CITIZENS DAY

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 138) to authorize and request the President to issue annually a proclamation designating the third Sunday of August of each year as "National Senior Citizens Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Reserving the right to object, Mr. Speaker, the minority has no objection to the joint resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 138

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue annually a proclamation designating the third Sunday of August of each year as "National Senior Citizens Day", and calling upon the people of the United States to observe such day with appropriate ceremonies and activities in honor of the contributions to the United States of individuals more than 55 years of age.

AMENDMENT OFFERED BY MR. DYMALLY

Mr. DYMALLY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DYMALLY:

Page 1, beginning on line 3, strike out "annually".

Page 1, beginning on line 4, strike out "of each year" and insert in lieu thereof "1988".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. DYMALLY].

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. DYMALLY

Mr. DYMALLY. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. DYMALLY:

Amend the title so as to read "Joint resolution to authorize and request the President to issue a proclamation designating the third Sunday of August 1988 as 'National Senior Citizens Day'.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

GIVING SPECIAL RECOGNITION TO BIRTH AND ACHIEVEMENTS OF ALDO LEOPOLD

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 40) to give special recognition to the birth and achievements of Aldo Leopold, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Reserving the right to object, Mr. Speaker, the minority has no objection to this legislation.

Mr. KASTENMEIER. Mr. Speaker, I am pleased to rise in support of House Joint Resolution 50, commemorating the 100th anniversary of the birth of Aldo Leopold and honoring him for his many achievements in scientific wildlife management and his pioneer work in developing the doctrine of wilderness ecology.

Aldo Leopold was a professional forester, a game manager, a scientist, a writer, and a philosopher. He was born in Burlington, IA. He graduated from Yale University Forestry School and entered the U.S. Forest Service. In 1911, he was promoted to supervisor of the Carson National Forest in New Mexico. He helped establish the Gila Wilderness Area in New Mexico as the first National Forest wilderness.

Leopold is perhaps best known for the years he spent in my home State of Wisconsin and in the congressional district which I now represent. From 1925 to 1927, he was the associate director of the U.S. Forest Products Laboratory in Madison, WI. He subsequently left Government service in 1928 to become a game and forestry consultant. While privately employed, Leopold completed the now classic treatise, "Game Management." In 1933, he was appointed professor of game management at the University of Wisconsin, a position that he held with great distinction until his death in 1948.

Leopold was very active in a number of conservation organizations. He served on the council of the Society of American Foresters. He was a founder of the Wildlife Society and the Wilderness Society. He was a director of the National Aububon Society, vice president of the American Forestry Association, and president of the Ecological Society of America. The National Wildlife Federation named him to its Conservation Hall of Fame in 1965. While Leopold will be remembered for his professional endeavors, he also will be remembered for his work, "A Sand County Almanac." Leopold's "Sand Farm" in Wisconsin, his family's "weekend refuge from too much modernity," inspired the writings that were collectively published posthumously in 1949. Like any literary classic, "Sand County" has withstood the test of time and is still read enthusiastically by college students and weekend naturalists alike. It has become an established environmental classic.

The conservation ideology that Leopold espoused, the focus and centerpiece of his philosophy of resource stewardship, is embodied in what he described as a land ethic. The concept is portrayed as follows in "Sand County":

All ethics so far evolved rest upon a single premise: that the individual is a member of a community of interdependent parts. His instincts prompt him to compete for his place in the community, but his ethics prompt him also to co-operate (perhaps in order that there may be a place to compete for).

The land ethics simply enlarges the boundaries of the community to include soils, waters, plants, and animals, or collectively: the land.

This sounds simple: Do we not already sing our love for and obligation to the land of the free and the home of the brave? Yes, but just what and whom do we love? Certainly not the soil, which we are sending helter-skelter downriver. Certainly not the waters, which we assume have no function except to turn turbines, float barges, and carry off sewage. Certainly not the plants, of which we exterminate whole communities without batting an eye. Certainly not the animals, of which we have already extirpated many of the largest and most beautiful species. A land ethic of course cannot prevent the alteration, management, and use of these "resources," but it does affirm their right to continued existence, and, at least in spots, their continued existence in a natural state.

In short, a land ethic changes the role of homo sapiens from conqueror of the land-community to plain member and citizen of it. It implies respect for his fellow-members, and also respect for the community as such.

Leopold's land ethic is timeless. The continued drainage and conversion of our wetlands, the despoiling of our air, soil, and water, the unabated erosion and denuding of our prairies, deserts, and ranges, and the accelerated destruction of our forests bear witness to this fact. The very conservation issues that Leopold identified more than 36 years ago are still to be resolved. Many, in fact, have grown in scope and magnitude.

Mr. Speaker, this resolution commemorating the 100th birthday of Aldo Leopold, who is truly the father of conservation, will draw attention to the land ethic that he espoused and the many natural resource problems we still face. I urge my colleagues to join me in supporting this resolution which celebrates the monumental achievements of Aldo Leopold.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 40

Whereas January 11, 1987, marks the one-hundredth anniversary of the birth of Aldo Leopold;

Whereas Aldo Leopold is an undisputed pioneer of wildlife management and wilderness ecology;

Whereas Aldo Leopold's land ethics, which "changes the role of Homo sapiens from conqueror of the land-community to plain member and citizen" by "simply enlarg[ing] the boundaries of the community to include soils, waters, plants, and animals, or collectively: the land", has inspired and encouraged the protection and wise management of our renewable natural resources;

Whereas the teaching of Aldo Leopold, so eloquently captured in A Sand County Almanac, continued to be read and enjoyed by millions of Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States give special recognition to the achievements of Adlo Leopold and urges Federal land managment agencies to model their activities after the conservation ethic he has inspired.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1445

NEUROFIBROMATOSIS AWARENESS MONTH

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 417) designating May 1988 as "Neurofibromatosis Awareness Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. CARR). Is there objection to the request of the gentleman for California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object. the minority has no objection to this legislation.

Mr. WALGREN. Mr. Speaker, I want to thank Congressmen FORD and DYMALLY and Congresswoman MORELLA for their help in bringing House Joint Resolution 417, to designate May 1989 as "Neurofibromatosis Awareness Month" to the House floor today.

Most Americans know very little about neurofibromatosis. Having a month officially recognized as "Neurofibromatosis Awareness Month" can bring Presidential leadership and public recognition to a most serious disorder. Hopefully, it will accelerate research to find a cure.

Neurofibromatosis [NF] is a genetic disorder causing fibrous tumors to form on the nerves anywhere in the body at any time. Often only extensive surgery, excising tumors which can grow back and correcting bone abnormalities and disfigurement, can provide any relief for people with NF.

The psychological impact of the disfigurement associated with NF and the isolation resulting from public fears that the tumors are contagious can be devastating, as so graphically demonstrated in "The Elephant Man," the story of a man with a disease once thought to be NF. The anxiety of not knowing what will happen next with what is a progressive disorder is frightening and very damaging for both victims and their families.

Over 100,000 people in the United States have this disorder. The disorder affects all races and both sexes with varying degrees of severity. There is no known cure.

One child in 4,000 is born with NF. Half the people with NF have no family history of the disorder. The most common form that affect the peripheral nervous system [NF-1] can show signs at birth. But the form that affects the central nervous system [NF-2] lies dormant until the late teens or in the twenties. This latter form most often leads to deafness.

Commendably, in July 1987, the National Institutes of Health held a consensus development conference, attracting over 200 participants. Important progress in research is being made. We now understand the genetic markers that accompany NF, giving us the ability to do focused research on the genetic cause and mechanism of NF. But we must redouble our efforts to find a cure and, pending that, find an effective treatment to control the growth of tumors.

This bill recognizes the suffering of NF patients and their families and the potential for research leading to a cure. It is a small step we can take to bring more public attention to neurofibromatosis.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 417

Whereas neurofibromatosis is a genetic disorder which causes tumors to grow in the human nervous system;

Whereas neurofibromatosis is the most common tumor-causing genetic disorder of the nervous system;

Whereas neurofibromatosis is a potentially debilitating disorder which strikes males and females of all races and ethnic groups;

Whereas neurofibromatosis can strike in any part of the nervous system, at any time;

Whereas the National Neurofibromatosis Foundation, Inc., is a voluntary health organization, with chapters across the Nation, which was established to serve people with neurofibromatosis and their families, to stimulate and support biomedical research on neurofibromatosis, and to increase public awareness of neurofibromatosis and its consequences;

Whereas the public and the Federal Government are not sufficiently aware of neurofibromatosis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1988 is designated as "Neurofibromatosis Awareness Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

AMENDMENT OFFERED BY MR. DYMALLY

Mr. DYMALLY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DYMALLY: Page 2, line 3, strike out "1988" and insert in lieu thereof "1989".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. DYMALLY].

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. DYMALLY

Mr. DYMALLY. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. DYMALLY: Amend the title so as to read "Joint resolution designating May 1989 as "Neurofibromatosis Awareness Month".".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

MENTAL ILLNESS AWARENESS WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 248) to designate the week of October 2, 1988, through October 8, 1988, as "Mental Illness Awareness Week."

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this legislation.

Mr. Speaker, I was looking at some figures about the cost of mental illness in the United States, and over the last year, it has doubled. It went last year from $106 billion to direct treatment and support for mental illness, and now it is costing us a staggering $249 billion. Technology has gone far, research and development also has surged, but also it is very important that we become aware of the impact of mental illness and what can be done to ameliorate it.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 248

Whereas mental illness is a problem of grave concern and consequence in American society, though one widely but unnecessarily feared and misunderstood;

Whereas thirty-one to forty-one million Americans annually suffer from clearly

diagnosable mental disorders involving significant disability with respect to employment, attendance at school, or independent living;

Whereas more than ten million Americans are disabled for long periods of time by schizophrenia, manic depressive disorder, and major depression;

Whereas between 30 and 50 per centum of the homeless suffer serious, chronic forms of mental illness;

Whereas alcohol, drug, and mental disorders affect almost 19 per centum of American adults in any six-month period;

Whereas mental illness in at least twelve million children interferes with vital development and maturational processes;

Whereas mental disorder-related deaths are estimated to be thirty-three thousand, with suicide accounting for at least twenty-nine thousand, although the real number is thought to be at least three times higher;

Whereas our growing population of the elderly is particularly vulnerable to mental illness;

Whereas estimates indicate that one in ten AIDS patients will develop dementia or other psychiatric problems as the first sign of the disease and as many as two-thirds of AIDS patients will show neuropsychiatric symptoms before they die;

Whereas mental disorders result in staggering costs to society, estimated to be in excess of $249,000,000,000 in direct treatment and support and indirect costs to society, including lost productivity;

Whereas mental illness is increasingly a treatable disability with excellent prospects for amelioration and recovery when properly recognized;

Whereas families of mentally ill citizens and those persons themselves have begun to join self-help groups seeking to combat the unfair stigma of the diseases, to support greater national investment in research, and to advocate for an adequate continium of care from hospital to community;

Whereas in recent years there have been unprecedented major research developments bringing new methods and technology to the sophisticated and objective study of the functioning of the brain and its linkages to both normal and abnormal behavior;

Whereas research in recent decades has led to a wide array of new and more effective modalities of treatment (both somatic and psychosocial) for some of the most incapacitating forms of mental illness (including schizophrenia, major affective disorders, phobias, and phobic disorders);

Whereas appropriate treatment of mental illness has been demonstrated to be cost effective in terms of restored productivity, reduced utilization of other health services, and lessened social dependence; and

Whereas recent and unparalleled growth in scientific knowledge about mental illness has generated the current emergence of a new threshold of opportunity for future research advances and fruitful application to specific clinical problems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning on October 2, 1988, is designated as "Mental Illness Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL WOMEN VETERANS RECOGNITION WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 488) designating November 6-12, 1988, as "National Women Veterans Recognition Week."

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I yield to the gentleman from Mississippi [Mr. MONTGOMERY], who is the chairman of the Committee on Veterans' Affairs.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I want to commend the gentlewoman and also the gentleman from California for bringing this legislation, this resolution, to the floor. The gentleman from Florida [Mr. BILIRAKIS] is a member of the Commttee on Veterans' Affairs, and he is the chief sponsor of this legislation which designates November 6 through November 12 as National Women Veterans Recognition Week. I want to commend the gentleman from Florida [Mr. BILIRAKIS] for the work he has done on this legislation.

Mr. Speaker, I would like to say to the Members, my colleagues, that we on the Committee on Veterans' Affairs are trying to gear legislation more toward our women veterans. I know we are remodeling the veterans' hospitals to take better care of our women veterans. I would like to point out that over 1,200,000 women veterans are now in the service or who have been on active duty and are now classified as veterans, and that is 4.2 percent of the veterans' population, and women veterans have played a major role in the defense of this country. We are very proud of this resolution.

Mr. Speaker, I am sorry that the gentleman from Florida is not here. It is his bill, and he deserves the credit. I know he would like to be here.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I concur with what the gentleman from Mississippi [Mr. MONTGOMERY] has said. I am really pleased that the Committee on Veterans' Affairs has taken the lead in recognizing those valiant, heroic women who have been there to serve in our defense. I congratulate him.

I also want to point out that the gentleman from Florida [Mr. BILIRAKIS] has worked very hard on this resolution, because it is something he is committed to. I know he will have a statement in the RECORD.

Mr. BILIRAKIS. Mr. Speaker, thank you for this opportunity to speak on the resolution before us to designate the week beginning November 6 as "National Women Veterans Recognition Week." For the last 4 years I have introduced this measure in order to honor the more than 1.2 million women veterans who have served in the Armed Forces.

Women have served in the military services since our country was founded. Although women are officially excluded from combat duty, many women veterans have served under very difficult and dangerous circumstances. National Women Veterans Recognition Week is the time for this Nation to express gratitude for that service and a time for women veterans to take pride in the many contributions they have made to the security and well-being of the United States. You, the women who have served, have so much to be proud of.

Despite the continuous service of women throughout the history of our Nation, we have not always recognized their tremendous contributions, nor have we paid attention to their needs as veterans. I am pleased to have played a role in increasing public awareness of women veterans.

I wish to thank Chairman DYMALLY and the ranking member, CONNIE MORELLA for their assistance in bringing this legislation to the floor. In addition, I wish to thank the womens organizations, national veterans organizations and my House colleagues who worked diligently toward the enactment of this measure.

It is my understanding that Senator CRANSTON will introduce the Senate counterpart to my legislation today. It certainly is my hope that the Senate expedites consideration of National Women Veterans Recognition Week in time to honor these brave women veterans.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 488

Whereas there are more than 1,200,000 women veterans in the Nation, representing 4.2 percent of the total veteran population;

Whereas the number of women serving in the Armed Forces and the number of women veterans continue to increase;

Whereas women veterans have contributed greatly to the Nation's security through honorable military service which in many cases involved great hardship and danger;

Whereas the contributions and sacrifices of women veterans on behalf of the Nation deserve greater public recognition and appreciation;

Whereas the special needs of women veterans, especially in the area of health care, have often been overlooked or inadequately addressed by the Federal Government;

Whereas this lack of attention to the special needs of women veterans has discouraged or prevented many women veterans from taking full advantage of the benefits and services to which they are entitled; and

Whereas designating a week to recognize women veterans in November 1988 will help

further important gains made by women veterans following National Women Veterans Recognition Week in November 1984, 1985, 1986, and 1987: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 6-12, 1988, is designated as "National Women Veterans Recognition Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the several joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5031

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent to have my name removed as cosponsor of H.R. 5031.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CONGRATULATING CESAR CHAVEZ

(Mr. DYMALLY asked and was given permission to address the House for 1 minute.)

Mr. DYMALLY. Mr. Speaker, recently, I addressed this distinguished body on the very serious problem of cancer clusters, found in McFarlane, CA, where dangerous levels of pesticides have been linked to a high death toll of cancer cases. It is sad to note that the majority of deaths have occurred among small children.

Mr. Speaker, at this time I would like to bring to your attention the courageous efforts of Mr. Cesar Chavez, of California, president of the United Farmworkers Union of America.

In a unique display of compassion and care, Cesar is also conducting a personal fast to demonstate his deep felt conviction that injustice against our farmworkers must be recognized and abolished. In his personal sacrifice to endure hunger, weakness, and pain; Mr. Chavez is asking the people of this Nation to identify with the suffering of our farmworkers—to recognize their plight—in the hope that justice will eventually be sought. I would like to personally commend Mr. Chavez for his extraordinary commitment to the farmworkers of our Nation. Indeed, he has set an impressive example for the rest of the Nation to follow.

TRIBUTE TO VFW AWARD WINNER HEATHER EASTERDAY, OF MEADE, KS

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROBERTS. Mr. Speaker, today I congratulate a young lady from Meade, KS, Heather Janae Easterday, for her excellent work in the Veterans of Foreign Wars scriptwriting contest.

Each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conduct the Voice of America scriptwriting contest. This year more than 300,000 students from across the Nation participated, writing their thoughts and feelings about, "America's Liberty—Our Heritage."

I am proud to announce that Heather won eighth place honors in this year's contest.

Mr. Speaker, I again congratulate Heather Easterday for her fine work and commend her winning script to the attention of my colleagues.

AMERICA'S LIBERTY—OUR HERITAGE

Nobody listens to me! I was once known and respected for what I had to say. Presidents even applauded me. Now look at me; I'm nothing more than a relic from the past. I guess I should introduce myself. I am the Liberty Bell. I've seen this nation from the very beginning. I suppose that is the reason I have such pride when I see how we have changed with new technology and discoveries; but in a way, the people today have a lot they could learn from me and our nation's heritage.

I remember way back in 1753 when I rang out for the first time. What a feeling! The people were so proud of me. I represented their greatest desire, freedom. They even inscribed me with the words, "Proclaim Liberty through all the land to all the inhabtitants thereof,"

I was different than any of the bells back in the Old Country. They tolled for meaningless reason as the curfew hour. I tolled to call the townpeople of Philadelphia together to discuss matters. Oh, how they discussed! they had such fire and motivation for freedom and were willing to do anything to obtain it. Somewhere through the years the citizens of this nation have lost their love for freedom. It's almost taken for granted now. Maybe the apathy is caused by never having to pay a price to be free.

Once the Revolutionary War had started, it was decided that I wouldn't be safe staying in my bell tower, so I was placed under the floor of a church outside of Philadephia. The people were afraid that the British would capture me and melt me down for bullets. They couldn't let that happen to their symbol of freedom. It sure was hard to stay quiet all that time. I had been such a part of all the events that led to the war. I wanted to ring out to encourage them to fight, but I understood their concern for my safety.

I wonder sometimes if the people today would be concerned about my well-being. Oh, sure they like to preserve historical monuments, but what if the liberty I stand for were threatened? Would modern people fight for their freedom or would they watch as someone carried me and everything I stand for away?

It was such a happy time to be back in my bell tower in Liberty Hall after the war. I didn't have to ring for the same reasons anymore; the nation was free. Life was a little less exciting for me, but it was a thrill to watch the new nation take shape. It was a time of debate and controversy, but it was also a time of uniting. The people were further uniting as citizens of a new nation, and the states were coming together as the United States of America.

It hurts me to see the citizens of this great land drifting so far apart. Of course, the people had their differences back when the nation was founded, but they cared for one another and protected each other's freedom. Today the people go their separate ways and sometimes don't even know the neighbor across the street. How can a nation be united without caring for each other?

My last two hundred years have been sometimes exciting and sometimes very lonely. They have been exciting on occasions when I traveled all over the country promoting liberty. It was so wonderful to feel the patriotism in the air as I visited new places. The times I've felt lonely, though, were the times when I've just sat on display as hundreds of people a day passed by me not even knowing what I represent. They have no idea what it really means to be free because they have never known anything different.

I'm afraid for this nation. I'm afraid that it will have the same fate that fell on me. You see, back in 1835 while I was tolling at the funeral ceremony of John Marshall, I cracked. After all the protection and concern I had received through the years to make sure no one harmed me, I was cracked by my own clapper. Yes, I cracked from within. I see us worrying so much about what action another nation may take against us that we fail to see how we are falling apart within. We are slowly being destroyed by broken families, suicide, AIDS, and immorality in our own country.

I don't want to sound like I see no hope for the United States. It's the only place I would want to live because it has such a bright future. The warnings I send out are only to remind us of where we've come from. I love this country so much; that is why I want the best for it. I want liberty. I don't want the next generation to experience life without freedom. Please let me stay in this country. Please hear my call to freedom. Please don't let America crack. Let freedom ring . . . forever.

INTRODUCTION OF PUGET SOUND LEGISLATION

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DICKS. Mr. Speaker, today I am proud to join my colleagues from the State of Washington in introducing a bill that will allow for a better financed, a more directed and better coordinated approach to protecting one of the Pacific Northwest's most treas-

ured natural resources, Puget Sound. The legislation we are introducing today will provide specific Federal authorization for the Puget Sound cleanup program which, until now, has been funded as part of the overall national estuary program by the Environmental Protection Agency. In some ways this legislation represents a small improvement—it merely creates a separate line-item in the Federal budget for the Puget Sound program, much like that designation accorded to Chesapeake Bay and Boston Harbor. But it is a move that we view as absolutely fundamental to the success of the large-scale task of protecting the health and vitality of the sound for posterity—an effort that will require the energy and resources of numerous governmental entities, small and large businesses, farmers, developers and, of course, individual citizens around the Puget Sound region of Washington State.

As we look toward the beaches around New York and New Jersey, we are reminded that disposing of our garbage by "throwing it away" in offshore waters or estuaries doesn't work anymore. There's no more "away" there * * * it is coming back to us.

The East Coast situation provides a strong keynote for our effort in Puget Sound. We need a stronger, more concerted Federal and State effort to identify contaminants already in Puget Sound and to stop further contamination from entering the sound's waters.

To accomplish these objectives, we need a more directed Federal approach, to complement the aggressive stance that the State of Washington has already taken in this cleanup program. The legislation we are submitting today provides specific authority for the Administrator of the Environmental Protection Agency to make funds available to the Puget Sound water quality authority for the purpose of carrying out cleanup activities in Puget Sound, and I urge my colleagues to support this important effort.

Mr. Speaker, I include a recent article from Time magazine called the "Dirty Seas," as follows:

THE DIRTY SEAS

(The very survival of the human species depends upon the maintenance of an ocean clean and alive, spreading all around the world. The ocean is our planet's life belt.—Marine Explorer Jacques-Yves Cousteau (1980).)

After sweltering through a succession of torrid, hazy and humid days, thousands of New Yorkers sought relief early last month by heading for the area's public beaches. What many found, to their horror and dismay, was an assault on the eyes, the nose and the stomach. From northern New Jersey to Long Island, incoming tides washed up a nauseating array of waste, including plastic tampon applicators and balls of sewage 2 in. thick. Even more alarming was the drug paraphernalia and medical debris that began to litter the beaches: crack vials, needles and syringes, prescription bottles, stained bandages and containers of surgical sutures. There were also dozens of vials of blood, three of which tested positive for hepatitis-B virus and at least six positive for antibodies to the AIDS virus.

To bathers driven from the surf by the floating filth, it was as if something precious—*their* beach, *their* ocean—had been wantonly destroyed, like a mindless graffito defacing a Da Vinci painting. Susan Guglielmo, a New York City housewife who had taken her two toddlers to Robert Moses State Park, was practically in shock: "I was in the water when this stuff was floating around. I'm worried for my children. It's really a disgrace." Said Gabriel Liegey, a veteran lifeguard at the park. "It was scary. In the 19 years I've been a lifeguard, I've never seen stuff like this."

Since the crisis began, more than 50 miles of New York City and Long Island beaches have been declared temporarily off limits to the swimming public because of tidal pollution. Some of the beaches were reopened, but had to be closed again as more sickening debris washed in. And the threat is far from over: last week medical waste was washing up on the beaches of Rhode Island and Massachusetts. "The planet is sending us a message," says Dr. Stephen Joseph, New York City's health commissioner. "We cannot continue to pollute the oceans with impunity."

As federal and state officials tried to locate the source of the beach-defiling materials, an even more mysterious—and perhaps more insidious—process was under way miles off the Northeast coast. Since March 1986, about 10 million tons of wet sludge processed by New York and New Jersey municipal sewage-treatment plants has been moved in huge barges out beyond the continental shelf. There, in an area 106 nautical miles from the entrance to New York harbor, the sewage has been released underwater in great, dark clouds.

The dumping, approved by the Environmental Protection Agency, has stirred noisy protests from commercial and sport fishermen from South Carolina to Maine. Dave Krusa, a Montauk, N.Y., fisherman, regularly hauls up hake and tilefish with ugly red lesions on their bellies and fins that are rotting away. Krusa is among those who believe that contaminants from Dump Site 106 may be borne back toward shore by unpredictable ocean currents. "In the past year, we've seen a big increase of fish in this kind of shape," he says. Who will eat them? New Yorkers, says a Montauk dockmaster. "They're going to get their garbage right back in the fish they're eating."

This summer's pollution of Northeastern beaches and coastal waters is only the latest signal that the planet's life belt, as Cousteau calls the ocean, is rapidly unbuckling. True, there are some farsighted projects here and there to repair the damage, and there was ample evidence in Atlanta last week that the Democrats hope to raise the nation's consciousness about environmental problems. The heightened interest comes not a moment too soon, since marine biologists and environmentalists are convinced that oceanic pollution is reaching epidemic proportions.

The blight is global, from the murky red tides that periodically afflict Japan's Inland Sea to the untreated sewage that befouls the fabled Mediterranean. Pollution threatens the rich, teeming life of the ocean and renders the waters off once famed beaches about as safe to bathe in as an unflushed toilet. By far the greatest, or at least the most visible damage has been done near land, which means that the savaging of the seas vitally affects human and marine life. Polluted waters and littered beaches can take jobs from fisherfolk as well as food from consumers, recreation from vacationers and business from resorts. In dollars, pollution costs billions; the cost in the quality of life is incalculable.

In broadest terms, the problem for the U.S. stems from rampant development along the Atlantic and Pacific coasts and the Gulf of Mexico. Between 1940 and 1980, the number of Americans who live within 50 miles of seashore increased from 42 million to 89 million—and the total is still mounting. Coastal waters are getting perilously close to reaching their capacity to absorb civilization's wastes.

Today scientists have begun to shift the focus of research away from localized sources of pollution, like oil spills, which they now believe are manageable, short-term problems. Instead, they are concentrating in the less understood dynamics of chronic land-based pollution: the discharge of sewage and industrial waste and—possibly an even greater menace—the runoff from agricultural and urban areas.

Conveyed to the oceans through rivers, drainage ditches and the water table, such pollutants include fertilizers and herbicides washed from farms and lawns, motor oil from highways and parking lots, animal droppings from city streets and other untreated garbage that backs up in sewer systems and spills into the seas. Says Biologist Albert Manville of Defenders of Wildlife, a Washington-based environmental group: "We're running out of time. We cannot continue to use the oceans as a giant garbage dump."

The oceans are broadcasting an increasingly urgent SOS. Since June 1987 at least 750 dolphins have died mysteriously along the Altantic Coast. In many that washed ashore, the snouts, flippers and tails were pocked with blisters and craters; in others, huge patches of skin had sloughed off. In the Gulf of Maine, harbor seals currently have the highest pesticide level of any U.S. mammals, on land or in water. From Portland to Morehead, City, N.C., fishermen have been hauling up lobsters and crabs with gaping holes in their shells and fish with rotted fins and ulcerous lesions. Last year's oyster haul in Chesapeake Bay was the worst ever; the crop was decimated by dermo, a fungal disease, and the baffling syndrome MSX (multinucleate sphereX).

Suffocating and sometimes poisonous blooms of algae—the so-called red and brown tides—regularly blot the nation's coastal bays and gulfs, leaving behind a trail of dying fish and contaminated mollusks and crustaceans. Patches of water that have been almost totally depleted of oxgen, known as dead zones, are proliferating. As many as 1 million fluke and flounder were killed earlier this summar when they became trapped in anoxic water in New Jersey's Raritan Bay. Another huge dead zone, 300 miles long and ten miles wide, is adrift in the Gulf of Mexico.

Shellfish beds in Texas have been closed eleven times in the past 18 months because of pollution. Crab fisheries in Lavaca Bay, south of Galveston, were forced to shut down when dredging work stirred up mercury that had settled in the sediment. In

neighboring Louisiana 35 percent of the state's oyster beds are closed because of sewage contamination. Says Oliver Houck, a professor of environmental law at Tulane: "These waters are nothing more than cocktails of highly toxic substances."

The Pacific coastal waters are generally cleaner than most, but they also contain pockets of dead—and deadly—water. Seattle's Elliott Bay is contaminated with a mix of copper, lead, arsenic, zinc, cadmium and polychlorinated biphenyls (PCBs) chemicals once widely used by the electrical-equipment industry. "The bottom of this bay is a chart of industrial history." says Thomas Hubbard, a water-quality planner for Seattle. "If you took a core sample, you could date the Depression, World War II. You could see then PCBs were first used and when they were banned and when lead was eliminated from gasoline." Commencement Bay, Tacoma's main harbor, is the nation's largest underwater area designated by the Environmental Protection Agency as a Super-fund site, meaning that pollution in the bay is so hazardous that the Federal Government will supervise its cleanup.

Washington State fisheries report finding tumors in the livers of English sole, which dwell on sediment. Posted signs warn, Bottomfish Crab and Shellfish May be Unsafe to Eat Due to Pollution. Lest anyone fail to get the message, the caution is printed in seven languages; English, Spanish, Vietnamese, Cambodian, Laotian, Chinese and Korean.

San Francisco Bay is also contaminated with copper, nickel, cadmium mercury and other heavy metals from industrial discharges. Last year toxic discharges increased 23 percent. In Los Angeles urban runoff and sewage deposits have had a devastating impact on coastal ecosystems, notably in Santa Monica Bay, which gets occasional floods of partly processed wastes from a nearby sewage-treatment plant during heavy rainstorms. Off San Diego's Point Loma, a popular haunt of skin divers, the waters are so contaminated with sewage that undersea explorers run the risk of bacterial infection.

U.S. shores are also being inundated by waves of plastic debris. On the sands of the Texas Gulf Coast one day last September, volunteers collected 307 tons of litter, two-thirds of which was plastic, including 31,733 bags, 30,295 bottles and 15,631 six-pack yokes. Plastic trash is being found far out to sea. On a four-day trip from Maryland to Florida that ranged 100 miles offshore, John Hardy, an Oregon State University marine biolgist, spotted "Styrofoam and other plastic on the surface, most of the whole cruise."

Nonbiodegradable plastic, merely a nuisance to sailors, can kill or maim marine life. As many as 2 million seabirds and 100,000 marine mammals die every year after eating or becoming entangled in the debris. Sea turtles choke on plastic bags they mistake for jellyfish, and sea lions are ensnared when they playfully poke their noses into plastic nets and rings. Unable to open their jaws, some sea lions simply starve to death. Brown pelicans become so enmeshed in fishing line that they can hang themselves. Says Kathy O'Hara of the Center for Environmental Education in Washington: "We have seen them dangling from tree branches in Florida."

Some foreign shores are no better off. Remote beaches on Mexico's Yucatán Peninsula are littered with plastics and tires. Fish and birds are being choked out of Guanabara Bay, the entryway to Rio de Janeiro, by sewage and industrial fallout. Japan's Inland Sea is plagued by 200 red tides annually; one last year killed more than 1 million yellowtail with a potential market value of $15 million. In the North Sea chemical pollutants are believed to have been a factor in the deaths of 1,500 harbor seals this year. Last spring the Scandinavian fish industry was hard hit when millions of salmon and sea trout were suffocated by an algae bloom that clung to their gills and formed a slimy film. Farmers towed their floating fishponds from fjord to fjord in a desperate effort to evade the deadly tide.

For five years, at 200 locations around the U.S., the National Oceanic and Atmospheric Administration has been studying mussels, oysters and bottom-dwelling fish, like flounder, that feed on the pollutant-rich sediment. These creatures, like canaries placed in a coal mine to detect toxic gases, serve as reliable indicators of the presence of some 50 contaminants. The news is not good. Coastal areas with dense populations and a long history of industrial discharge show the highest levels of pollution. Among the worst, according to Charles Ehler of NOAA: Boston Harbor, the Hudson River—Raritan estuary on the New Jersey coast, San Diego harbor and Washington's Puget Sound.

Last week the EPA added six major estuaries to the half a dozen already on the list of ecologically sensitive coastal areas targeted for long-term study. Estuaries, where rivers meet the sea, are the spawning grounds and nurseries for at least two-thirds of the nation's commercial fisheries, as well as what the EPA calls sources of "irreplaceable recreation and aesthetic enjoyment."

Although the poisoning of coastal waters strongly affects vacationers, homeowners and resort operators, its first (and often most vocal) victims are fishermen. Commercial fishing in the U.S. is a $3.1 billion industry, and it is increasingly threatened. Fisherman Richard Hambley of Swansboro, N.C., recalls that only a few years ago, tons of sturgeon and mullet were pulled out of the White Oak River. "Now that is nonexistent," he says. "There are no trout schools anymore. Crabs used to be like fleas. I'm lucky to get a few bushels." Ken Seigler, who works Swansboro's Queens Creek, has seen his income from clams and oysters drop 50% in seven years; this year he was forced to apply for food stamps. New Jersey Fisherman Ed Maliszewski has used his small boat for only two weeks this year. He is trying to bail out, and so are others.

In the diet-and-wellness '80s, fish has been widely touted as a healthful food. Not only do smaller catches mean ever higher prices, but also the incidence of illnesses from eating contaminated fish—including gastroenteritis, hepatitis A and cholera—is rising around the U.S. Pesticide residues and other chemicals so taint New York marine waters that state officials have warned women of childbearing age and children under 15 against consuming more than half a pound of bluefish a week; they should never eat striped bass caught off Long Island. Says Mike Deland, New England regional administrator for the EPA: "Anyone who eats the liver from a lobster taken from an urban area is living dangerously."

Fish and shellfish that have absorbed toxins can indirectly pass contaminants to humans. Birds migrating between Central America and the Arctic Circle, for example, make a stopover in San Francisco's wetlands, where they feast on clams and mussels that contain high concentrations of cadmium, mercury and lead. Says Biologist Gregory Karras of Citizens for a Better Environment: "The birds become so polluted, there is a risk from eating ducks shot in the South Bay."

Despite the overwhelming evidence of coastal pollution, cleaning up the damage, except in a few scattered communities, has a fairly low political priority. One reason: most people assume that the vast oceans, which cover more than 70 percent of the world's surface, have an inexhaustible capacity to neutralize contaminants, by either absorbing them or letting them settle harmlessly to the sediment miles below the surface. "People think "Out of sight, out of mind,"' says Richard Curry, an oceanographer at Florida's Biscayne National Park. The popular assumption that oceans will in effect heal themselves may carry some truth, but scientists warn that this is simply not known. Says Marine Scientist Herbert Windom of Georgia's Skidaway Institute of Oceanography: "We see things that we don't really understand. And we don't really have the ability yet to identify natural and unnatural phenomena." Notes Sharron Stewart of the Texas Environmental Coalition: "We know more about space than the deep ocean."

Marine scientists are only now beginning to understand the process by which coastal waters are affected by pollution. The problem, they say, may begin hundreds of miles from the ocean, where nutrients, such as nitrogen and phosphorus, as well as contaminants, enter rivers from a variety of sources. Eventually, these pollutants find their way into tidal waters. For the oceans, the first critical line of defense is that point in estuaries, wetlands and marshes where freshwater meets salt water. Marine biologists call this the zone of maximum turbidity—literally, where the water becomes cloudy from mixing.

There, nutrients and contaminants that have dissolved in freshwater encounter the ionized salts of seawater. The resulting chemical reactions create particles that incorporate the pollutants, which then settle to the bottom. As natural sinks for contaminants, these turbidity zones protect the heart of the estuary and the ocean waters beyond.

But the fragile estuarine systems can be overtaxed in any number of ways. Dredging can stir up the bottom, throwing pollutants back into circulation. The U.S. Navy plans to build a port in Puget Sound for the aircraft carrier U.S.S. *Nimitz* and twelve other ships; the project will require displacement of more than 1 million cu. yds. of sediment, with unknown ecological consequences. Similarly, natural events such as hurricanes can bestir pollutants from the sediment. The estuarine environment also changes when the balance of freshwater and salt water is disturbed. Upstream dams, for example, diminish the flow of freshwater into estuaries; so do droughts. On the other hand, rainstorms can cause an excess of freshwater runoff from the land.

Whatever the precise cause, trouble begins when the level of pollutants in the water overwhelms the capacity of estuaries to assimilate them. The overtaxed system, unable to absorb any more nutrients or contaminants, simply passes them along twoard bays and open coastal areas. "When the system is working," says Maurice Lynch, a biological oceanographer at the Virginia Institute of Marine Science, "it can take a lot of assault. But when it gets out of whack, it declines rapidly."

It is then that the natural growth of sea grass may be ended, as has happened in Chesapeake Bay, or sudden blooms of algae can occur, particularly in stagnant waters. The exact reasons for these spurts of algal growth are unknown. They can be triggered, for example, by extended periods of sunny weather following heavy rains. Scientists believe algal growth is speeded up by the runoff of agricultural fertilizers. The burgeoning algae form a dense layer of vegetation that displaces other plants. As the algae die and decay, they sap enormous amounts of oxygen from the water, asphyxiating fish and other organisms.

Some kinds of algae contain toxic chemicals that are deadly to marine life. When carcasses of more than a dozen whales washed up on Cape Cod last fall, their deaths were attributed to paralytic shellfish poisoning that probably passed up the food chain through tainted mackerel consumed by the whales. Carpets of algae can turn square miles of water red, brown or yellow. Some scientists speculate that the account in *Exodus 7:20* of the Nile's indefinitely turning red may refer to a red tide.

When such blights occur in coastal areas, the result can be devastating. Last November a red tide off the coast of the Carolinas killed several thousand mullet and all but wiped out the scallop population. Reason: the responsible species, *Ptychodiscus brevis*, contains a poison that causes fish to bleed to death. Brown tides, unknown to Long Island waters before 1985, have occurred every summer since; they pose a constant threat to valuable shellfish beds.

A study of satellite photographs has led scientists to believe that algae can be conveyed around the world on ocean currents. The Carolinas algae, which had previously been confined to the Gulf of Mexico, apparently drifted to Atlantic shores by way of the Gulf Stream. One species that is native to Southern California is thought to have been carried to Spain in the ballast water of freighters.

The effects of man-made pollution on coastal zones can often be easily seen; far less clear is the ultimate impact on open seas. The ocean has essentially two ways of coping with pollutants: it can dilute them or metabolize them. Pollutants can be dispersed over hundreds of square miles of ocean by tides, currents, wave action, huge underwater columns of swirling water called rings, or deep ocean storms caused by earthquakes and volcanoes.

Buried toxins can also be moved around by shrimp and other creatures that dig into the bottom and spread the substances through digestion and excretion. Though ocean sediment generally accumulates at a rate of about one-half inch per thousand years, biogeochemist John Farrington of the University of Massachusetts at Boston cites discoveries of plutonium from thermonuclear test blasts in the 1950s and 1960s located 12 in. to 20 in. deep in ocean sediment. Thus contaminants can conceivably lie undisturbed in the oceans indefinitely—or resurface at any time.

There is little question that the oceans have an enormous ability to absorb pollutants and even regenerate once damaged waters. For example, some experts feared that the vast 1979 oil spill in the Gulf of Mexico would wipe out the area's shrimp industry. That disaster did not occur, apparently because the ocean has a greater capacity to break down hydrocarbons than scientists thought. But there may be a limit to how much damage a sector of ocean can take. Under assault by heavy concentrations of sludge, for example, the self-cleaning system can be overwhelmed. Just like decaying algae, decomposing sludge robs the water of oxygen, suffocating many forms of marine life. What effect chronic contamination from sludge, and other wastes will have on the oceans' restorative powers is still unknown.

Rebuckling the planet's life belt may prove formidable. The federal Clean Water Act of 1972 overlooked runoff pollution in setting standards for water quality. Meanwhile, the nation's coasts are subject to the jurisdiction of a bewildering (and often conflicting) array of governmental bodies. One prime example of this confusion, reports TIME Houston Bureau Chief Richard Woodbury, is found in North Carolina's Albemarle-Pamlico region. There both the federal Food and Drug Administration and a state agency regulate the harvesting of shellfish. A third agency, the state's health department, surveys and samples the water and shellfish. And another state body sets the guidelines for opening or closing shellfish beds. Complains Douglas Rader of the Environmental Defense Fund: "The crazy mix of agencies hurts the prospects for good management."

Lax enforcement of existing cleanwater policies is another obstacle. According to Clean Ocean Action, a New Jersey-based watchdog group, 90% of the 1,500 pipelines in the state that are allowed to discharge effluent into the sea do so in violation of regulatory codes. Municipalities flout the rules as well. Even if Massachusetts keeps to a very tight schedule on its plans to upgrade sewage treatment, Boston will not be brought into compliance with the Clean Water Act until 1999—22 years after the law's deadline. Meanwhile, the half a billion gallons of sewage that pour into Boston Harbor every day receive treatment that is rudimentary at best.

Some communities are leading the way in trying to preserve their shores and coastal waters. In March the legislature of Suffolk County on Long Island passed a law forbidding retail food establishments to use plastic grocery bags, food containers and wrappers beginning next year. Sixteen states have laws requiring that the plastic yokes used to hold six-packs of soda or beer together be photo- or biodegradable. Last December the U.S. became the 29th nation to ratify an amendment to the Marpol (for marine pollution) treaty, which prohibits ships and boats from disposing of plastic—from fishing nets to garbage bags—anywhere in the oceans. The pact goes into effect at the end of this year.

Compliance will not be easy. Merchant fleets dump at least 450,000 plastic containers overboard every day. The U.S. Navy, which accounts for four tons of plastic daily, has canceled a contract for 11 million plastic shopping bags, and is testing a shipboard trash compactor. It is also developing a waste processor that can melt plastics and turn them ito bricks. The Navy's projected cost of meeting the treaty provision: at least $1 million a ship. Supporters of the Marpol treaty readily acknowledge that it will not totally eliminate plastic pollution. "If a guy goes out on deck late at night and throws a bag of trash overboard," says James Coe of NOAA's National Marine Fisheries Service in Seattle, "there's no way that anyone will catch him."

Stiff fines and even prison sentences may get the attention of landbound polluters. Under Administrator Mike Deland, the EPA's New England office has acquired a reputation for tough pursuit of violators. In November 1986 the agency filed criminal charges against a Providence boatbuilder for dumping PCBs into Narragansett Bay. The Company was fined $600,000 and its owner $75,000; he was put on probation for five years.

Washington is one of the few states with a comprehensive cleanup program. Three years ago, the Puget Sound water-quality authority developed a master plan for cleaning up the heavily polluted, 3,200-sq.-mi. body of water. The state legislature has levied an 8¢-a-pack surtax on cigarettes to help pay the bill; this year the tax will contribute an estimated $25 million to the cleanup. The Puget Sound authority and other state agencies closely monitor discharge of industrial waste and are working with companies on ways to reduce effluent.

An aggressive effort is being made to limit runoff as well. Two counties have passed ordinances that regulate the clearing of land and the installation and inspection of septic tanks. Farmers are now required to fence cattle away from streams. Zoning has become more stringent for construction in a critical watershed area: a single-family house requires at least two acres of land. The number of livestock and poultry per acre is also controlled.

The Puget Sound group has an educational program that teaches area residents everything from the history of the sound to what not to put down the kitchen sink. Controlling pollution is promoted as everyone's task. High school students take water samples, and island dwellers have been trained in what to do if they spot an oil spill. Says Seattle Water-Quality Planner Hubbard: "Bridgetenders are great at calling in with violations. They are up high, and when they see a black scum or a little slick, they let us know about it."

Officials hope the cleanup program will have the same result as a decades-long effort mounted by the Federal Government and four states in the Delaware River estuary, an area ringed by heavy industry and home to almost 6 million people. The Delaware's pollution problems began in Benjamin Franklin's day. By World War II, the river had become so foul that airplane pilots could smell it at 5,000 ft. President Franklin Roosevelt even considered it a threat to national security. In 1941 he ordered an investigation to determine whether gases from the water were causing corrosion at a secret-radar installation on the estuary.

Although the Delaware will never regain its precolonial purity, the estuary has been vastly improved. Shad, which disappeared 60 years ago, are back, along with 33 other species of fish that had virtually vanished. Estuary Expert Richard Albert calls the Delaware "one of the premier pollution-control success stories in the U.S.

Such triumps are still rare, and there is all too little in the way of concerted multinational activity to heal the oceans. That meand pollution is bound to get worse. Warns Clifton Curtis, president of the Oceanic Society, a Washington-based environmental organization: "We can expect to see an increase in the chronic contamination of coastal waters, an increase in health advisories and an increase in the closing of shellfish beds and fisheries." Those are grim tidings indeed, for both the world's oceans and the people who live by them.

HANDICAPPED DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. HUBBARD] is recognized for 5 minutes.

Mr. HUBBARD. Mr. Speaker, today is Handicapped Day throughout the State of Kentucky pursuant to a 1984 resolution in the Kentucky General Assembly sponsored by Senator HENRY G. LACKEY of Hunderson, KY.

James E. Hyatt and Donna Thomas, of Redbanks Nursing Home in Henderson, are promoting Handicapped Day this year in Kentucky. It was Jimmy Hyatt who urged Senator Lackey in 1983 and 1984 to promote this special day for the handicapped. I would like to take this opportunity to recognize the handicapped people in my home State as well as those across the Nation.

I am aware of the struggles the handicapped have made to show that they are no less qualified than those without disability. It is a struggle for physical equality and a struggle to combat a society that has refused too often to regard the handicapped as "capable."

We all know and have benefited from the many individuals who have overcome their obstacles to make valuable contributions to our society. Helen Keller—blind, deaf, and mute—worked diligently to conquer her infirmities, and, through her determination, proceeded to teach others, lecture and write. And the great composer Ludwig von Beethoven lost his hearing, but continued to produce music that mesmerizes audiences today.

But most importantly, perhaps, are the unrecognized millions who are utilizing their talents to the fullest in their local workplaces and communities. Numerous companies such as Procter & Gamble, Honeywell, AT&T, and United Airlines all employ individuals with impediments. We are proud to see an outstanding wheelchair athlete has been featured on the famous Wheaties box.

We are finally coming to the realization that handicapped means handicapable. Being handicapped does not mean being inadequate. On Handicapped Day in Kentucky I again commend the disabled citizens of the United States of America. I truly believe that handicapped is handi-capable.

UNDERSTANDING CONGRESS: A BICENTENNIAL RESEARCH CONFERENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Louisiana [Mrs. BOGGS] is recognized for 5 minutes.

Mrs. BOGGS. Mr. Speaker, the Commission on the Bicentenary of the U.S. House of Representatives and the Senate Bicentennial Commission, along with the Congressional Research Service, are sponsoring a scholarly bicentennial conference scheduled for February 9-10, 1989. The title of the conference will be: "Understanding Congress: A Bicentennial Research Conference."

The total budget for this conference will be approximately $40,000. The Senate will provide up to $15,000 toward the conference. CRS will provide support in administrative and staff services and some funds from a recent Ford Foundation grant. The Lyndon Baines Johnson Foundation has agreed to support the conference with an amount up to $5,000.

Today, I am introducing a resolution to authorize that up to $15,000 be provided through the House contingent fund as the House contribution to this important conference in honor of the 200th anniversary of Congress. These funds will be used by pay fees, travel, and per diem expenses to speakers and program panelists and other direct conference costs. The funds will not be used for entertainment aspects of the 2-day event.

The conference will bring together nationally known historians, political scientists, journalists, and former Members to discuss ways to improve our understanding of Congress. Outstanding public speakers and several Pulitzer Prize winning scholars have already agreed to participate in this event.

REFORM OF WHITE HOUSE PERSONNEL PROCEDURES

Mr. STARK. Mr. Speaker, for decades White House staffs have been padded with employees borrowed from other Federal agencies. It has reached the point where political appointees have been hired by a Federal agency and immediately detailed to the White House—without doing 1 day's work in the agency that hired them and pays them.

I am introducing two bills today that will reform these abusive management practices. The first bill requires the White House to reimburse the agencies from which it borrows employees for the full time it uses the employees' services. Current law gives the White House free use of these employees for 6 months. This is a bad budget practice. Federal agencies should not be paying for someone else's employees.

The second bill prohibits political appointees from being detailed to the White House. Political appointees are exempted from the competitive service because of the confidential or policymaking character of their positions within the agency that hired them. Detailing them away from the agency destroys the rationale behind exempting them from the competitive service. If the White House wants political appointees, it can hire its own. It should not procure them through another Federal agency.

We will elect a new administration in November. Let's lay down the ground rules for staff now—and end these long-time abuses.

TRIBUTE TO RAYMON HARRISON ROEBUCK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. COELHO] is recognized for 60 minutes.

Mr. COELHO. Mr. Speaker, today we pause to pay tribute to a dear friend and coworker of ours, and to celebrate his 25 years of service to this distinguished body. Raymon Harrison Roebuck has, for the last quarter-century, been a loyal friend, trusted confidant, and master chef extraordinaire for the Members of the House of Representatives in his position as manager of the Democratic Cloakroom snackbar.

In 1963, about the time I came to Capitol Hill to work for the Member I eventually succeeded, Ray took over as manager of the snackbar following the retirement of his older sister and her husband from this position. This is significant, because as anyone who knows Ray will tell you, his family is very important to him. I think he would not be upset if I said that the only group more important to him than the Members of this body are the members of his own family, and that is to his credit. No parents could have asked for a more devoted and caring son than Mr. and Mrs. Roebuck had, and he tended personally to their every need until they passed away several years ago. He remains today a pillar of strength and support for his brothers and sisters.

There are several basic qualities that Ray is blessed with, I think, that help to explain how he has succeeded over the years in what is really a very difficult position. First and foremost is his caring nature. Ray has an uncanny ability to remember the name of everyone who he meets—from a freshman member to a new page, both of which share a certain apprehension about their new duties. From their first conversation with him, both of these tender souls know that they will always be able to turn to Ray for some common sense advice with their problems or for some nourishment during a tough late night session. They know that they will always be able to count on Ray. In a town in which friendships and allegiances sometimes shift even quicker than the direction of the wind, this is indeed a rare quality.

Second, and this follows from his role as a caring counselor to most of us, Ray is famous for his discretion. He was once quoted in a book by Jimmy Breslin as having said: "I don't know nothing, I don't hear nothing, I don't see nothing." But quite the contrary, Ray hears everything—his secret is too repeat nothing. Our former colleague and beloved Speaker, Tip O'Neill, once remarked that Ray knew more about how a vote would turn out than the House leadership itself. This is a tribute to the high esteem the Members of this body—myself included—hold him in.

Yet another outstanding quality is his hard work and dedication to his duties. Someone who didn't know better might assume Ray comes in to work a few minutes before the

House goes into session in the morning. He usually arrives by 6 a.m., however, to take delivery of his food and to begin preparing his famous delicacies. Whenever the House is in session late, we can all take comfort in knowing that Ray will be here with us—with his wit, wisdom, and snacks that help to keep us going late into the night.

Finally, another quality that helps to explain Ray's success is his eternal tact and skillfull diplomacy. There are few people on the Hill who have the ability to tell a member of the leadership or a powerful committee chairman to wait their turn for something, but Ray has been doing it—and getting away with it—for a quarter-century. We all know—and understand—that at Ray's counter, it is first come, first served no matter who you are. This is indeed a tribute to his high degree of tact and diplomatic ability.

Clearly, Ray is much more than just our snackbar manager. More importantly, he is our trusted friend. I can quite honestly think of no one who has served this body with greater distinction during my 25 years on the Hill than Raymon Roebuck.

Ray, for your service; for your loyalty; for your kindness; for your counsel; and most of all for your friendship; I am proud to salute you this evening. I am glad that through this heartfelt tribute tonight, we are able to pay back just a little of the great debt we all owe you. I look forward to our next 25 years together.

□ 1500

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. COELHO. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I rise to thank the distinguished majority whip for taking this special order to commemorate Raymon Roebuck on his 25th anniversary. I certainly second every single remark our distinguished whip has uttered in this respect.

I would add only the mention that Mr. Roebuck came aboard soon after I came to the Congress, so he and I have been more or less confederates in service, and I think the gentleman has covered every single point that I can think of in extolling the virtues and in sincerely expressing our gratitude for his continued and sustained service. I think these are aspects of service to the House that unless, as the gentleman from California has done, time is taken out to make public note, the general public and even some of our colleagues may not be aware of that general service, even though I think there would be very few in the membership.

The fact is that I end as I started by thanking my colleague from California for taking time, pausing and giving us a change to congratulate Mr. Roebuck and wish him many, many future years of service.

Mr. COELHO. I thank the gentleman from Texas.

Mr. DYMALLY. Mr. Speaker, will the gentleman yield?

Mr. COELHO. I yield to the gentleman from California.

Mr. DYMALLY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I know I speak for all the Members of the Congressional Black Caucus when we express our deep gratitude to Raymon for making what has sometimes been unpleasant moments very pleasant with his warm smile and his ready meal.

But I do want to say this about Ray, Mr. Speaker, he does not know how to bet on baseball teams. From time to time he has picked the wrong teams both in baseball and football, and he is especially wrong on the Dodgers. He is wrong on the Raiders. Occasionally he is right on the Redskins as he was last year, but that was the exception to the rule. But by and large he does not know his football teams and he does not know his baseball teams very well, especially those on the west coast.

Mr. COELHO. If the gentleman will yield back, do you think he knows how to choose his political teams?

Mr. DYMALLY. Yes; very well.

Mr. COELHO. I just want to make that clear.

Mr. DYMALLY. But on the football teams he has only been right once in 7½ years.

But Mr. Speaker, it is a pleasure for me to join with the majority whip and my colleagues here in saying how grateful we are to Ray for making our days very pleasant when things get a little rough on the floor.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. COELHO. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for yielding and commend him for taking the time and this special order for our close friend, Raymon Roebuck, so that we could come up and talk about Raymon. He has been here 25 years. I have been here about 22 years, and I think Raymon was one of the first persons that I had the privilege of meeting and becoming good, close friends, and I have enjoyed doing business with Raymon.

As the gentleman in the well, our majority whip, said, Raymon does keep us in line, and takes us in order, and runs a good shop.

I also want to make the comment that through the years Raymon has gotten to know the pages that not only I have had the privilege of bringing up here over the years, but pages of other Members from other States, and when I see these pages that were up here 10 years ago they will always ask about Raymon and how is Raymon doing, how is he getting along. Certainly that is impressive that the young pages appreciate Raymon Roebuck. He gives them the guidance and the help that they need. They are homesick and Raymon knows how to handle them.

Raymon is a great American and I commend the majority whip for taking out this special order. Raymon has meant a lot to all of us.

Mr. Speaker, I am pleased that we are honoring our friend, Raymon Roebuck with this special order today. I commend our colleague, TONY COEHLO for taking this time to pay tribute to Ray's 25 years of service to the House of Representatives.

I have known Ray for as long as I have been in Congress. I consider him a friend and have not only enjoyed doing business with him, I have also always counted on him to find out what's really going on in the House. Ray can tell you what to expect during our House sessions and how late we are going to be working on a given night. He is almost always right on target.

A lot has changed over the past 25 years here in Washington, but we have always been able to count on Ray to be there with a pleasant greeting and a good story. He is a great American and I am honored to take part in this recognition of his years of service.

Mr. COELHO. I thank the gentleman from Mississippi.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. COELHO. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I am very pleased to join with the majority whip in paying tribute to one of the really great people of this institution. Raymon Roebuck is our friend. As every Member has risen to attest to, he is our friend because we know that he cares about each one of us individually. It is not a superficial relationship that Ray has with each one of us. It is a caring relationship. He is interested in what we are interested in. He is interested in making sure that we are comfortable and happy and feel a full part of this institution.

I know that like so many others who have spoken on this floor I came in 1981 and one of the first people I met, non-members, was the impressario of Chez Raymon, and he was as gracious, as outgoing, as helpful, as uplifting, as encouraging as anybody in this institution, and he has made my service here far better than I am sure it would otherwise have been.

It is appropriate, not that we waste the time of this body because it is not wasting the time of this body. Some may think that taking an hour out to praise somebody with whom you work is perhaps not the essence of the business that we are about, and yes, we deal with the big issues. But generally speaking, the big issues are handled best when those people with whom we work care about us and we care about them, and that that entire relationship, that connectiveness with persons in this institution is recognized, it is

important, and I congratulate the majority whip.

Ray Roebuck is our friend. He is a vital part of this institution. His kind word and encouragement at times of stress make a difference in policy. He is indeed a servant of the people of this country as much as each of us are as Members, and I am very proud that he is my friend, and have enjoyed my service here more so for his service.

Mr. Speaker, usually when we rise to honor a colleague it is because that person is retiring.

Today we have the happy opportunity to pay our respects to someone who we all hope will be with us for many years to come, our friend, Raymon Roebuck of the Democratic Cloakroom.

Yesterday Raymon celebrated 25 years in this House. For the many of us who have been elected during his tenure, Raymon has started out as a guide and became a friend. He has served to educate a generation of Members on the ways and folklore of the House.

It is not often enough in this House that we stop to thank the many people who make our lives easier. Raymon certainly leads those ranks. He is never without a greeting, a good word or a story. For making our lives so much more pleasant; indeed, for making this House more of a home, we thank Raymon.

Mr. COELHO. I thank the gentleman from Maryland.

That brings up a good point. Raymon, whenever we go in the back room, always has his feet solidly on the ground and never gets caught up in a lot of dialog we get caught up in, and he brings us back to Earth which sometimes we need to be brought back to periodically.

I would just note that every once in a while when we are back there we have individuals from the other side of the aisle who come over and partake of our snackbar because of its particular delicacies. I just want Raymon to note that there is nobody from the other side of the aisle here so that he can make sure that when he talks about first come, first serve, that it is certain people first come, first serve, and I just wanted to note that for the RECORD.

Mr. DIXON. Mr. Speaker, will the gentleman yield?

Mr. COELHO. I yield to the gentleman from California.

Mr. DIXON. Mr. Speaker, it is a pleasure for me to join my colleagues today in thanking Raymon Roebuck for 25 years of dedicated service to Congress.

In the fast-paced environment of the House of Representatives Chamber, Raymon's sandwich bar area in the Democratic Cloakroom provides an oasis of warmth and refreshment. When controverisal legislation is on the floor and the House is in session until the early morning hours, when the hours are long and tempers run short, Raymon is there with a friendly word as well as food and drink.

After 25 years of service in the House Chamber, Raymon is a Capitol Hill institution. He has known some of the great leaders of Congress. He has witnessed the passage of landmark legislation. No doubt he has been privy to countless strategy sessions which have taken place over a hot dog at his counter. He is always discreet, polite, and caring.

Mr. Speaker, Raymon Roebuck has eased the workload of legislators debating weighty issues in American politics. His years of commitment to his job and his country should deserve to be recognized.

Mr. Speaker, I note that my colleague, the gentleman from California [Mr. DYMALLY] said that Raymon was not too good at picking baseball and football teams, but I can assure the gentleman that he is very excellent in picking the Los Angeles Lakers for 2 consistent years as being the world champions.

On truly a personal note, Mr. Speaker, Raymon and I grew up in the same community here in Washington, DC, and he has really been an oasis to me to talk about the issues and the climate of Washington, DC, some 43 years ago. He is not only a dedicated public servant in the fact that he serves the Members of Congress very well, but he is a personal friend, and I salute him for 25 years of dedicated service.

Mr. COELHO. I thank the gentleman from California.

The gentleman from California mentioned that Mr. Roebuck has been privy to many of the conversations that take place in regards to strategy on different legislative efforts, and Mr. Roebuck does know all those strategies and he is involved with those. He has promised me, however, for those Members who are concerned about the revelation by the gentleman from California [Mr. DIXON] that he will not write a book. He does not intend to do that.

Mr. LELAND. Mr. Speaker, will the gentleman yield?

Mr. COELHO. I yield to the gentleman from Texas.

Mr. LELAND. Mr. Speaker, I thank the gentleman from California, our majority whip, for yielding and certainly appreciate him providing us with this great opportunity to pay homage to a great man. For the 25 years he has been here he has already indelibly impressed so many people, people who have come and gone, people who are still here, and I happen to be one of those people.

For 10 years, I have known Raymon and I have been very excited about the relationship we have had over those years, because Raymon has been very special to me. When I have not had anybody else to go and talk to about the problems that I have had, I have always been able to cry on Raymon's shoulder. He had always been able in times when I have needed something to eat and could not afford to go downstairs and pay the cost or the price for those things downstairs, or I could not go out to a restaurant somewhere off of the Hill, Raymon has always given me the kind of credit that I could not get anywhere else, and for that I really appreciate Raymon. The only problem is that the way he tends to take care of me getting out of the problems that I have had or thinking about things other than the problems that I have had when I have gone to him is that he will cook in the microwave some of his foods, and I have had problems with the food and sometimes I have needed an Alka Seltzer, so I think about the problem he had given me through an upset stomach or something as opposed to the problems that were of great magnitude.

Mr. DIXON. Mr. Speaker, if the gentleman will yield, I guess my distinguished colleague, the gentleman from Texas, who came to this Congress with me, has many characteristics in common with me, and one of them is that maybe we do not always pay our debts on time. As the gentleman well knows, Raymon is a gentleman who will extend credit to us, and I understand that my colleague from Texas is on that list of extended credit almost for the whole period of the 10 years that he has been here. I am probably on it for a little shorter period of time, maybe 9½ years. But the remarks of my colleague from Texas certainly are well taken by Raymon today, and I understand that he will probably extend that credit at least for the next 2 years.

Mr. LELAND. I certainly hope so, and I really appreciate having that kind of credit, really I do, I could not get it anywhere else. I could not qualify.

Mr. DIXON. I note the gentleman said he does not go to the downtown restaurants.

Mr. LELAND. That is exactly right.

Let me say in all seriousness that Raymon is indeed a very special person. He is a special person to me and many Members of Congress. I probably think that Raymon possibly has at least as much influence, on the majority side of this House anyway, as any one Member of this Congress, and for that I think that at some point in time here in Congress we ought to extend to him an honorary Membership in the U.S. House of Representatives. I consider myself that Raymon is probably the 436th Member of the House of Representatives.

I thank the majority whip for giving me this opportunity.

Raymon, we all love you.

Mr. COELHO. Mr. Speaker, I thank the gentleman from Texas.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. COELHO. I yield to the gentleman from Alabama.

Mr. HARRIS. Mr. Speaker, I thank the gentleman from California, my good friend, and our majority whip for yielding.

Our good friend Raymon Roebuck is probably responsible for providing more "humanitarian aid" than we in Congress have appropriated during the time which he has been with us. Raymon has helped us keep body and soul together for the past 25 years and has been a kind and thoughtful friend to us all.

Raymon's knowledge of the workings of the House amazes me and I can always count on him for an interesting bit of history. Of course, that is not surprising—after all he has been here through four Speakers of the House, six Presidents, and countless Members of Congress. In fact, any day now I expect to hear that Raymon has signed a deal to publish his memoirs. Just make sure that you spell my name right, Raymon.

I am pleased to join my colleagues in saluting Raymon Roebuck for his outstanding service on Capitol Hill and for his love and appreciation of our Democratic process. Many thanks for a job well done.

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Mr. COELHO. I yield to the gentleman from Illinois.

Mr. DURBIN. I thank my colleague from California for arranging for this special order this evening to honor a great individual.

I remember 6 years ago when I first came to Congress and we went through this orientation period. As a new Member of Congress you are brought in and they sit you down and they tell you the impressive resources at your disposal as a Member of Congress: the Library of Congresss across the street with copies of every volume of every book ever printed and all the experts in the world; the Congressional Research Service at your beck and call. You pick up the telephone and they can give you the answer to the question.

And all of the professionals that work in and out of Government around Washington, DC, all of the professionals at the committee level. I was dazzled by this.

Then I started into the actual engagement of my role as Congressman and I soon learned that many of these experts are very valuable and they can be helpful but there are people on Capitol Hill who are even more valuable. Raymon Roebuck is one of those people.

I say that not facetiously because he has an insight as to how people work more than how Government works. That I think helps Members as they go along and try to carry the burdens and responsibilities of office.

Raymon has been a good friend. He always has a kind word. He has been through some difficulties in his own life, but frankly those are always secondary to our own concerns. Perhaps we do not listen closely enough as we should to hear what he has been through many times.

But I was glad to come over this afternoon and join in honoring him and I thought back to all the hundreds of Members of Congress who have stood in front of that little snack bar in there, who have received his hospitality and good wishes. I want to add another group, the hundreds if not thousands of congressional pages who Raymon Roebuck over the years has befriended.

Let me give you one specific example: In my home town of Springfield, IL, the State capital, in our Illinois State Senate the sergeant at arms is a fellow named Danny Day. Danny Day was a page in the U.S. House of Representatives many, many years ago. In fact, Raymon Roebuck told me that Danny was present at his fifth anniversary of service to the U.S. House of Representatives.

Well, Danny has gone on to bigger and better and greater things now and he has an official title in Illinois State government, but we still talk many times back in Springfield about his friend Ray Roebuck.

Danny cannot be here with us today; he is here in spirit along with the hundreds if not thousands of others who owe a great debt of gratitude to a great man. We salute you, Ray Roebuck.

Mr. COELHO. I thank the gentleman from Illinois.

Mr. Speaker, I yield to the gentleman from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. I would like to congratulate our majority whip for his thoughtfulness in taking time for this special order in order that many House colleagues can come together on the House floor to pay tribute to one we admire and like very much, our friend Raymon Roebuck.

Many of us in Congress realize that those who retire from this body after a long time of service do not have as many Members of the House standing in the House paying tribute to retiring colleagues as we do right now paying tribute to one who is not retiring but who has served 25 years efficiently and effectively and with a joy that causes all of us to look forward to going to the Cloakroom, especially around noon time or in midafternoon for some of us, or both times.

It is good to know, as much as Raymon has heard, that he does not plan to write a book. Many of us are happy to hear that good news.

Mr. COELHO. If the gentleman would yield, he has assured me of that several times. I think we need to keep repeating that, however; it is important.

Mr. HUBBARD. I am also glad at this point that I am paid up in the Cloakroom at the sandwich bar. If I were not, someone might say this speech was a conflict of interest because we are paying to one to whom we owe.

Anyway, in all seriousness, I would like to congratulate our friend Raymon Roebuck upon 25 years of service. Indeed, for some of us, including one who will soon speak to my left here, Raymon Roebuck has served in the House Cloakroom the entire time we have been in Congress, myself for 13½ years.

We appreciate him, we admire him, we wish him God's richest blessings. And we hope that Raymon Roebuck will even have 25 years of good service in the House Democratic Cloakroom.

Mr. Speaker, today I have the honor to rise to pay tribute to my friend Raymon Roebuck. Raymon is celebrating his 25th anniversary of service in our Democratic Cloakroom.

I am honored to participate in this special order recognizing Raymon. He has cheerfully served in this Cloakroom during my 13½ years as a U.S. Representative.

Rarely do we celebrate an individual's commitment to a career. Raymon's commitment to his career is one that I truly admire. He has faithfully worked here for 25 years. I hope Raymon Roebuck will stay with us here in the Nation's Capitol for another 25 years.

Thank you, Raymon.

Mr. COELHO. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. GUARINI].

Mr. GUARINI. Mr. Speaker, it is certainly a real pleasure to join you in celebrating the 25th anniversary of Ray Roebuck's tenure in the Cloakroom snack bar.

We in the House of Representatives are a community within a community. We have our own traditions, our ways of working, our personal friendships and people who may be called true pillars of our congressional community. Ray Roebuck is one of those pillars.

Since I first entered this House, Ray has always—and I mean always—been helpful, friendly, and ready to lend a hand.

And he does it with warmth in his heart and a smile on his face.

In our community within a community, Ray Roebuck is an institution within an institution.

One of the first lessons I learned was that if you want to know what's really happening, ask Ray. When would we go out for the night? Would we be in the next day or week? Well, while the

New York Times publishes "all the information that's fit to print," Ray Roebuck knows all the information that's important to know.

Mr. Speaker, I consider it a privilege to call Ray my friend, and to join in this tribute to a man who means so much to all of us.

As a postscript, I am sure that Ray would most want for me to wish him another 25-year term in the Cloakroom.

Mr. COELHO. I thank the gentleman from New Jersey.

Mr. Speaker, I yield to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, two of my favorite pastimes are enjoying a good meal and enjoying good conversation. Now, good meals are easily found in the Members' dining room; and good conversation has been known to be had even among Members on subjects as diverse as the latest Whitney Houston CD and the joys of spelunking.

That's all well and good, of course. But if I had to pick a favorite pastime it would be enjoying a good meal while enjoying good conversation.

We're holding this special order today because many of us in the House share these two particular passions, and we are very fortunate to have among us a man who has provided Members with both good food and good conversation for a quarter century.

Yesterday, our good friend Raymon Roebuck celebrated his 25th anniversay of service on Capitol Hill—and we are all the richer for his dedication to this institution. Indeed, Raymon is an institution in his own right.

From his station at the Democratic Cloakroom sandwich bar, Raymon has been at the ready whenever Members need a late afternoon snack or some food for thought during one of our occasional late-night marathons.

Raymon's manner has always been courteous and outgoing—even under the most stressful of circumstances. His memory of people and events is nothing short of legendary. It's little wonder, then, that Members consider both the man and his stories a priceless asset of this Congress and every Congress since 1963.

Mr. Speaker, it's been said that we live in an age of constant change—and we do. The personal and professional pressures for many Americans are often very great and can be unpredictable at times. But through it all there are those who remain rock steady, who exemplify the meaning of the words honor, dignity, and national service. Raymon Roebuck is one of those individuals, and he is truly a friend to this body and all who serve in it.

Raymon, congratulations on your first 25 years in the House.

Mr. COELHO. I thank the gentleman from California.

Mr. Speaker, I yield to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Speaker, I also thank the gentleman from California, our majority whip, for taking out this special order today for someone all of us obviously feel is very special.

I know I join the distinguished gentleman from Alabama who spoke earlier, in speaking, as he did, for the entire freshman class by indicating how privileged we all were to not just simply join this body, but to join this body and to get to know, as we all have, Raymon Roebuck.

Raymon is pretty much a walking institutional history, at least for the last quarter of a century. It is amazing how younger Members of this body have often gone to him to ask questions about how things developed, what was the institutional history on this legislation, tell us how this particular coalition came together, "was the bill debated before?", and Raymon seems to remember every little detail.

When I got here it was the distinguished gentleman from Washington the majority leader who, during freshman orientation, said, "Now this is Jefferson's Manual and this is where you will learn parliamentary procedure." We all read Jefferson's Manual. But it was through Raymon that we really learned parliamentary procedure and then we would go back and check the manual instead of the other way around.

I find that to be rather amazing and delightful at the same time.

Aside from running an excellent deli operation and being a good friend to Members of the Congress, it is amazing how Raymon Roebuck is the only one who knows when we are going to adjourn and he always comes within 10 or 15 minutes of that target time. I kid Ray about that because I enjoy his company. He is a very kind individual, he is a gentleman, and, as someone said earlier, he has been a friend not only to Members but to pages who have served in this body.

When you think back 25 years at least, I think God has really blessed Raymon and the House of Representatives to have kept both together for so very, very long.

Now I am going to do something that some of the other Members cannot do. I am going to partially claim Raymon as my constituent. Living just up the road 40 miles in Baltimore, Raymon is there usually on a weekly basis. We are always talking about good restaurants to go to up there, whether or not to visit the Farmer's Market, what is on sale and then we also talk about our No. 1 love which is the Baltimore Orioles. I think Ray and I are the only ones that are still in love with the Orioles. But we are.

He is a good person and a good friend and I think this body is enriched, certainly I am, for having had the opportunity to know him and to serve with him.

Mr. COELHO. I thank the gentleman from Maryland.

Mr. Speaker, I yield to the gentleman from South Carolina.

Mr. SPRATT. Ray Roebuck, you are a beautiful guy.

Mr. Speaker, I appreciate the gentleman yielding time.

We all know that Ray Roebuck really runs a front; that is no snack bar, that is not a place for dispensing hot dogs and hot food, but good humor, good advice, and good friendship. That is not to say that the cuisine is not pretty good given the circumstances back there. Did you ever try to buy a hot dog from Raymon before they are fully cooked? He has taken up the motto of, I believe, the constituent of the gentleman from California, our whip, "He serves no hot dog before its time."

Mr. COELHO. That is right.

Mr. SPRATT. Have you ever tried to buy a cup of coffee before the whole pot is fully steeped? Raymon will not trade with you. "Only the best," is Raymon's stamp.

When you go there you not only get top of the line, but if you want to find out what is on the floor Raymon can tell you; if you want to find out when the next vote is, Raymon can tell you better than most of the people in this House including the gentleman in the well, probably.

Mr. COELHO. Including this whip.

Mr. SPRATT. If you want to find out what time adjournment is, Raymon has probably got the best bet on the floor.

Yes; he adds, as a lot of people have said, to the richness of this institution. He is in every sense of the word an asset to the House of Representatives. Indeed, if we all did our work as well as Raymon does his what a House, what a Congress this could be.

Raymon, I do not want you to let all of this praise go to your head, because we are counting on at least another 25 years of your good friendship, your good counsel. But we take this occasion to say, "Thank you" from the bottom of our hearts for being such a good friend to all of us.

Mr. COELHO. I thank the gentleman from South Carolina.

I think Raymon understands the gentleman from South Carolina's comments that tomorrow morning we expect him to be there doing the same thing and not to take any of this stuff seriously that we are saying today except that we sincerely mean best wishes for him and congratulations.

Mr. Speaker, I yield to the gentleman from Delaware.

Mr. CARPER. I thank the whip for yielding and also for taking out this special order.

Mr. Speaker, it has been said there are really only two kinds of people who like flattery: men and women. It has also been said that flattery will not hurt you unless you inhale. So I hope that Raymon, wherever he is standing at this moment, is not breathing too deeply. But if he did not enjoy what he was hearing, I would be awfully surprised.

I remember the first year that I arrived here back in 1983. As freshmen, we need all the help we can get. We found in Raymon a good source, a source of friendship, a source of counsel, a source of wisdom, and somebody who has probably forgotten more about this institution than the rest of us will ever know. I have only one complaint about Raymon Roebuck and that is, Raymon, I like tomatoes on my sandwich. Raymon only thinks that tomatoes grow and can be served 1 month a year, probably not even that, maybe 2 weeks out of the year. I would hope that sometime in the next 25 years that Raymon serves here he will find that tomatoes can be served on sandwiches during some months other than July.

□ 1530

We serve them in Delaware in August, September, October, and November, you name it. July is fine, Raymon, but just see if you can stretch it out just a tiny little bit.

We salute you, my friend, on this occasion.

Mr. COELHO. Mr. Speaker, I thank the gentleman from Delaware [Mr. CARPER]. I am sure that some notes were made on those comments.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. COELHO. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, I thank the Democratic whip for taking time out to pay tribute to our colleague and head chef in the Democratic Cloakroom, in fact, the only chef in the Democratic Cloakroom.

I think we all know that with his vigorous dedication to the tradition of the Democratic Party as a party of the people, Raymon has refused to add anything to our menu that could not be bought in a ball park. I have heard people speak about the warm feeling they get when they go out after meeting Raymon. I have had that warm feeling, too, but after a mouthful of Maalox that warm feeling goes away.

I have been down to the doctor trying to lose some weight, and the first thing he told me was "Stay away from Raymon." He says, "There are more calories in that snack bar than any place I know of."

But, of course, we all know Raymon provides many other services to the Members. The Members who sit here on the floor all know when legislative business is concluded and special orders are about to begin, because for the past 25 years it has been signaled by the Speaker relinquishing the chair to a more junior Member and by the loud bang from the Cloakroom as Raymon bangs the lunch counter closed and bolts for the plaza.

But in all seriousness, I have probably had a better opportunity to view Raymon than most Members. When I was in charge of the page program, Raymon on many nights would come to the floor and welcome the pages and speak to them, and when I would meet pages in the different areas later when I would be visiting, they would ask, "How is the Speaker?" They would ask about so-and-so, and they would say, "And how is Raymon? How is he doing?" And conversely, when I would meet Raymon, he would say, "Gee, how is that young page from New Jersey doing that was here a couple of years ago?" I will bet you that Raymon has got a flock of letters from pages who left this establishment, not only learning something about legislative procedure but learning a little about human procedure from one of the greatest teachers that I think we have, that fellow that works on us so hard to keep us in trim, our pal, Ray Roebuck.

So once again, I thank the Democratic whip very much for taking out this special order so we can tell that fellow who has been putting those calories on us for so many years exactly what we think of him.

Mr. COELHO. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. CARDIN. Mr. Speaker, will the gentleman yield?

Mr. COELHO. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Speaker, I want to thank the whip for taking this time and yielding to me so I can say a few things to Raymon.

Mr. Whip, you arrange many different orientations for new Members. When I came, we had the DSG orientation, we had the Brookings Institute, and we had the Kennedy School up in Boston, but I can say that the best orientation I received as a new Member of this Congress was the orientation I received from Raymon in the Cloakroom about each of you and what I should avoid and try to do as I make my new relationships here in Congress. I can tell you that that information was very useful. I thank Raymon for it. It was extremely accurate.

Mr. COELHO. Mr. Speaker, may I ask the gentleman, could he reveal to us any part of that advice that he gave you about anybody in particular? I mean it would be kind of interesting to my colleagues.

Mr. CARDIN. Yes, he told me specifically not to tell you what he told me about you.

Mr. COELHO. That is very good advice.

Mr. CARDIN. But, Mr. Speaker, I also owe Raymon one other thing. He was responsible for the diet I went on. After having food in the Cloakroom for the first 12 months of my term, my doctor ordered me to go on a strict diet, and I think Raymon is at least partially responsible for all of that.

But I do think in all sincerity that he has shown the love of this institution and the love of this membership, and he really does bestow that on each of us in our Cloakroom. He is a very special person, and we are indeed very fortunate to have a person like Raymon among us to remind us how fortunate all of us are to serve in the Congress of the United States.

Mr. Speaker, I thank the Democratic whip for taking this time.

Mr. COELHO. Mr. Speaker, I thank the gentleman from Maryland [Mr. CARDIN], and I thank all my colleagues for joining with me in this special order.

As my colleagues have indicated, Raymon Roebuck is a very special person to this body. This body gets credit for doing a lot of wonderful things and some things that are not so wonderful at times, but it is the people that make this body function that deserve most of the credit.

There are a lot of people who work at this podium, and there are a lot of people who work in the rooms surrounding this Chamber who really deserve the credit for the functioning of this body. Raymon Roebuck is one of those individuals who deserve a great deal of credit for the functioning of this institution. We owe him a great deal. We appreciate him, we love him for what he stands for and the way he makes our lives so much better.

We salute you, Raymon Roebuck, for 25 years of great service. We hope and pray it will be at least 25 more.

Mr. PEPPER. Mr. Speaker, I want to be included among the Members of this House who express our appreciation to Raymon Roebuck, who has been for so long a member of this House family and who has given so much assistance and pleasure to us all.

We would hardly know how to recognize our House if we did not think about Raymon being back there in the Cloakroom serving us all so graciously and so well behind his counter, always thoughtful, always kind, always considerate, always anxious to be of any help that he can to the Members of this House. He has set an exemplary example of proper conduct as an aide of this House. He has shown great fidelity to this institution. He has been a great associate of the House of Rep-

resentatives of the United States of America.

So on this 25th year of his distinguished service, I want to pay my tribute to him and express my warmest commendation to him for his great service and his many kindnesses to me and to other Members of the House and say, "You, Raymon, deserve that biblical injunction that we all cherish to receive for our conduct: Well, done, thou good and faithful servant. Thou hast been faithful over a few things. We will still make thee ruler over many, many in the years to come."

Congratulations to you, Raymon, and a happy 25th anniversary of your distinguished service to the House.

Mr. SMITH of Florida. Mr. Speaker, it is with great pleasure that I join my colleagues in congratulating a good friend, Raymon Roebuck, for 25 years of unfailing service.

Raymon has been a loyal employee, colleague, and friend during the 25 years he has served in the Democratic Cloakroom sandwich bar. He has been here longer than most of us and has seen much in those years.

Raymon has never failed to be courteous and was always ready with a smile and a kind word. He has entertained us with his stories, and enriched our lives with his gentle humor. When we work late into the night, he is ready to fortify us with good food and pleasant conversation.

I congratulate Raymon, and I hope that the next 25 years will be as successful for him as have the last.

Mr. GAYDOS. Mr. Speaker, along with the gentleman from Florida [Mr. SMITH] and my other colleagues, I would to put on the RECORD my feelings involving Raymon also. I can say this as a matter of record, being here over 20 years, that he is very, very familiar with the procedures of the House, and on many occasions if you ask Raymon what the situation is, how much time is remaining or what is coming up next, he can tell you sincerely and help you. He was a part almost of the activities on the floor of the House, although removed from the presence here on the floor.

So employees of that dedicated nature and of the importance and the response that he had to the Members' needs have always been a matter or record, and I think it is proper here that we had a special order enunicating all of those attributes of our friend, Mr. Roebuck.

So I join with my colleagues who have spread their remarks on the RECORD in his behalf. I think they are all proper, and hopefully his family and friends and supporters will find great joy in reading of what this body actually thinks of him as an individual and as a coworker.

Mr. ST GERMAIN. Mr. Speaker, the Members of this distinguished body are divided along many lines. We hold fiercely opposing positions, espouse conflicting ideologies and worldviews, hold diverse priorities, strive for different goals.

So it is rare, Mr. Speaker, when the Members of this Chamber are able to reach unequivocal agreement on anything. But on one matter, we stand together—harmonious, united, serendipitous. In our praise of Raymon Roebuck, our many voices speak as one.

Raymon has become an institution on Capitol Hill. His warm personal manner and his ability to predict the time of House adjournment are legendary, as well they should be. For 25 years now, one of my most regular pleasures has been this man and his sandwich bar.

But to call Raymon's oasis a sandwich bar is, as you all well know, a vast understatement. As a connoisseur of French cuisine, I have always listed Chez Raymon as the prime dining experience of our Nation's Capital. He knows how to keep us trim, and he knows how to keep us slim. Raymon's egg and tuna salads are so fine that the recipe is locked up in the House vault so as to never be duplicated by thieves, plagiarists, or imposters.

And may I say this? His discretion is unparalleled. Do you realize that he is the man who listens to Chairman ROSTENKOWSKI, Chairman DINGELL, Chairman BROOKS, Chairman RODINO, and Chairman ST GERMAIN negotiating right at his little sandwich bar, and at all times we know one thing: that the words which pass between us, the agreements that are made between us, go no further. He is the soul of discretion, at the place where the elite meet to eat.

Raymon Roebuck is a fine example of the many forms that Government service can take. His dedication and his commitment are clear, and today we salute him for those rare, admirable qualities.

Not to mention his "chien chauds." That is French for hotdogs, and boy what a hotdog Raymon serves at Chez Raymon.

Mr. JONES of North Carolina. Mr. Speaker, one of the first people that I met when I arrived in the Congress on February 10, 1966, was my friend and your friend, Raymon Roebuck. Through the years, this acquaintance has grown into a strong friendship. We have exchanged jokes and Redskin tickets, and on occasion, he has extended me credit when I would find that my funds were low.

I think Raymon's outstanding virtue is the fact that he is always the same—there are never any peaks or valleys in his disposition. In spite of the sometimes great rush during rollcalls, he retains a calm and orderly attitude.

So, along with other friends, I say "thank you" for 25 years of service, and hope that the next 25 will be just as pleasant.

Mr. RODINO. Mr. Speaker, I want to thank the gentleman from California for organizing this special order in tribute to our friend, Raymond Roebuck, who is celebrating his 25th year on the staff of the Democratic Cloakroom sandwich bar.

Raymon's dedicated service has benefited us all. Along with the food he served he provided rich stories to engage and entertain us as well as excellent meals to satisfy our hunger. Having served in Congress for 40 years, I have always delighted in receiving tales from the past whenever passing by Raymon's sandwich bar. His courteous manner and congenial personality are always a joy especially on those sessions that would drag into the late evening.

During his 25 years of service, Raymon has earned the respect and admiration of those of us who have had the privilege to know him. On this, the year of my retirement I will always have fond memories of Raymon Roebuck and wish him a successful future in his continuing service in the Democratic Cloakroom.

Mr. BROOKS. Mr. Speaker, it is indeed a very great pleasure to join with my colleagues in honoring Raymon Roebuck, who yesterday celebrated his 25th year of highly efficient service at the sandwich bar in the Democratic Cloakroom.

Raymon Roebuck is a good and kind man who has always displayed a cheerful disposition, regardless of the pressures of his work. He has always had a smile and a good word for every Member of Congress and for all the pages that he has served at the sandwich bar.

He is an institution and an inspiration to his fellow workers in the Democratic Cloakroom, and I'm glad that I've had the opportunity to know Raymon during the past 25 years.

Mr. WHITTEN. Mr. Speaker, I rise today to honor a friend and long-time employee of the House, Mr. Raymon Roebuck. Over the years Raymon has served the House by serving its Members. When our hours and days were long, so were Raymon's, however, he never dished out any floor rhetoric.

Loyalty to the institution is his trademark, friendship with the Members is his hallmark, and friendliness is his temperment.

We all join our colleagues in thanking Raymon for being here when we need him and ask that he "save us one more piece of pie."

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding man, Raymon Roebuck, who for the last 25 years has worked right here at the sandwich bar of the Democratic Cloakroom.

Raymon, the "Sage of the Snackbar," took over the snackbar 25 years ago from his older sister and her husband. In that time, he has an enviable legacy of reliability, where only twice has Raymon missed any time. And don't think that Raymon's day begins when the House goes into session; most times his day begins early in the morning, when he arrives to receive deliveries. And, of course, his day lasts until the House is out of session.

Given the nature of Raymon's work, he has a proximity to quite a few very important conversations. In fact, it has been remarked that Raymon is privy to more important conversations by accident than many of us are on purpose. The simple fact that no one questions Raymon's honesty, his integrity, or as impor-

tantly his discretion, speaks volumes as to the high regard which Raymon is held.

But more than these very commendable virtues, we honor Raymon for his warmth, his kindness, his courteousness, and his outgoing personality. My wife Lee joins me in honoring Raymon Roebuck on this very special occasion, and we wish him all of the best in the years to come.

Mr. FASCELL. Mr. Speaker, it is a pleasure to join our colleagues in congratulating and paying tribute to Raymon Roebuck who, for the last 25 years, has fed us, joked with us, and put up with us in the Democratic Cloakroom.

Ray is truly an institution within this institution. His courtesy, good humor, and his hot dogs have saved the day for many of us when we have been in the heat of controversial legislation and needed a brief respite or nourishment. Of particular note—something I have observed and admired for many years—has been the friendliness he has shown to our pages, most of whom are a long way from home and in need of adult interest and concern.

I congratulate Ray and look forward to another 25 years of heartburn and humor with him.

Mr. ANNUNZIO. Mr. Speaker, it is a genuine pleasure for me to join my colleagues in extending my congratulations to Raymon Roebuck, who has been a faithful and dedicated employee of the Congress for 25 years.

I have served in the Congress for 24 years, and during that time, I have had contact almost daily with Ray. He is cheerful, pleasant, and has always displayed an attitude of helpfulness.

I commend him on reaching this milestone, and I wish for him good health, and many, many more years on the job here on Capitol Hill.

Mr. STOKES. Mr. Speaker, I want to thank my colleague, the distinguished gentleman from California [Mr. COELHO] for reserving this time to pay tribute to our good friend, Raymon Roebuck, who is celebrating his 25th year of service on Capitol Hill. I am proud to join in this special tribute to Raymon.

Mr. Speaker, Raymon is an institution on Capitol Hill. For the past 25 years, his warm personality, sharp wit and rich repertoire of stories of the past have entertained us, especially during our late-night sessions. He is as well known for his stories as he is for the excellent food service he provides.

Raymon also has an excellent relationship with the young people who serve as congressional pages in the House. He takes the time to give them counsel and guidance while they are here. Because of the special interest he takes in them, the pages grow to love, admire, and respect him. They often return to Washington to visit with Raymon.

Raymon has a unique ability to know every Member of Congress and to call each of us by name. He also has the uncanny ability to never use pen, pencil, nor calculator to determine what each person owes for a meal, regardless of what was ordered. Likewise, he remembers anyone who has not paid for a meal and what that person owes. He is a man who has never forgotten a debt owed him. He may not have collected on the debt—but he remembers what is owed him.

Mr. Speaker, one of the most humorous things I will always remember about Raymon is the story of the pot. Raymon would sometimes bring in a pot of food which he had personally prepared, such as chicken legs or meatball dinners. One day when BILL CLAY and I approached the counter to place an order, he told us to just wait—he had a pot coming. We waited several hours but the young lady bringing the pot never showed up. We still tease Raymon about the pot that never showed up.

Mr. Speaker, Raymon is a man who has been privileged to overhear political discussions and other information for over 25 years. He maintains the ability to not hear all of the things that are discussed at his counter. No leaks can be attributed to Raymon's counter.

I have enjoyed my friendship with Raymon over the years. He is a kind and gracious person, as well as a loyal and dedicated employee of this institution. It is an honor and pleasure to salute him on this special occasion.

Mr. YATRON. Mr. Speaker, I rise today to join with my colleagues in honoring Mr. Raymon Roebuck on the occasion of his 25th anniversary of service on Capitol Hill. As anyone who has ever met Raymon can attest, he is a fine man and a true gentleman.

In his 25 years of service, Raymon has become an institution on Capitol Hill. His courteousness and friendliness have helped me and my colleagues through many a late night session. Through his outstanding work in the majority Cloakroom, he has provided invaluable service to all of us who have had the honor of serving during Raymon's tenure on Capitol Hill. I join with my colleagues in honoring Raymon Roebuck for 25 years of dedicated service and I wish him continued success and good fortune in the years to come.

Mr. STENHOLM. Mr. Speaker, it is with great honor and pleasure that I join my colleagues today in this special tribute to a fine friend and first-class, food specialist, Raymon Roebuck. In the nearly 10 years that I have served in the Congress, I have consumed many of Raymon's two martini lunches: a Diet Coke and a tunafish sandwich. They have kept me going on many occasions when any meal just wouldn't do. I'm selective about my food and I have learned after my visit to the Cloakroom snack bar that Raymon makes one of the meanest tuna salad sandwiches anywhere. In fact, I would rate them the second best tunafish sandwiches in the world, next to the ones made by Cindy, my wife. Raymon, I know you'll understand that. In all seriousness, Raymon, I want you to know how much we appreciate you and what you do. Your obvious talent of reading my mind is only surpassed by your pleasant demeanor and delightful personality. Thank you, Raymon, for your service and for being yourself.

Mr. APPLEGATE. Mr. Speaker, I wish to join with my colleagues in the House during this special order for Raymon Roebuck, one of the most essential and enjoyable persons ever to work on Capitol Hill.

Known as the sage in the snackbar, Raymon is a very special individual and I wish to recognize and applaud his 25 years of service in the Democratic Cloakroom, a truly remarkable feat, especially considering that he surpasses most of the Members of this Chamber for length of service.

I think back to the seventies when Jimmy Breslin wrote about Watergate and Washington and made mention of Raymon Roebuck in his book. To quote from Breslin's book, Raymon, in response to a question about his duties in the Cloakroom, commented that "I don't know nothing, I don't hear nothing, I don't see nothing."

Quite honestly, I can't think of a more trusting individual than Raymon, operating, as he does, out of his provisional "confessional" in the Cloakroom. If the truth ever came out, we would learn that Raymon really does know everything, that he hears more than anyone else around this place, and that he has seen more than the membership of this body has collectively seen in all of our years.

Donnald Anderson recently told me that he hopes that Ray will continue to serve in the Cloakroom snackbar for as long as possible, because, as Donn related, he doesn't want to be assigned the task of having to find a replacement who would be as remarkable as Ray.

So, in closing Mr. Speaker, I wish to extend to Ray my best regards and wishes upon his remarkable achievement of service to the House. Raymon, my hat's off to you. I look forward to another 25 years of service with you in this august Chamber as well as over that famous stainless steel counter back in the Cloakroom.

Ms. PELOSI. Mr. Speaker, I am pleased to participate in this special order to honor Raymon Roebuck, on his silver anniversary in the House Democratic Cloakroom.

Raymon has served the House with enduring patience for 25 years. He knows and remembers everyone—even those former Members who return to visit the House. Raymon knows their names and enlivens their spirits, just as he does ours.

He is interesting, funny, knowledgeable, and intuitive—who will entertain with a quip or a story or offer his expertise on a legislative endeavor or a sports event. Raymon is a very positive-minded person who keeps to the high road with upbeat stories and fascinating recollections from his rich past.

Mr. Speaker, Raymon Roebuck is a tireless worker. He comes in to set up hours before we arrive, and stays after we leave. He works the filibusters and the budget battles. And when we've left, he offers food to tired and hungry pages.

He is a man devoted to his work, his family, and his church. And his presence lifts us all a little higher.

Congratulations Raymon on 25 years—and Raymon—stick around, we need you with us.

Mrs. BOXER. Mr. Speaker, in this job, there are many moments of frustration and difficulty and many hours away from home.

When House sessions sometimes run way into the evening—even into the early morning hours—it has been a comfort to know that Raymon Roebuck's smiling face is always there when energy and clarity are running low.

I salute Raymon on this very special day and want him to know that I appreciate the

support he has shown to me and all others whose lives he touches on a daily basis.

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman from California for yielding to me and I thank him for taking this time for Members to express their gratitude to our very special friend, Raymon Roebuck.

I would like to take this opportunity to commend Raymon for his elegant taste for fine cuisine. Accordingly, I present to him on this occasion, 25 pounds of Arkansas catfish, one for each year of service in the Democratic Cloakroom.

I do hope Raymon will stay longer so that I may continue to receive the line on all sporting events and teams, especially the Redskins.

On those mornings at the snack counter in the Cloakroom when I see three or four pies stacked up in the display case, I can count on the House running into a very late night. In fact, many times I have heard Members inquire about the hour of adjournment only to be told that it is a three-pie day or a four-pie day.

Thank you, my friend for all that you do and all that you are.

Mr. RANGEL. Mr. Speaker, it is indeed an honor to rise and pay tribute to Raymon Roebuck, who is celebrating 25 years of service at the Democratic Cloakroom sandwich bar.

How many Members of this body, in the middle of an intense debate on the floor, have gone to grab a bite to eat at the Democratic Cloakroom sandwich bar and found Raymon there, who was always as cheerful as ever, and returned to the floor energized—ready to continue debating the issues of the day? How many times have we gone to the sandwich bar, feeling the weight of the world on our shoulders, and left with the feeling that we could tackle anything coming our way? I would venture to say that Raymon Roebuck played a very large role in Members feeling the way that they did when they left the Democratic Cloakroom sandwich bar.

I have know Raymon since I first came to Congress in 1971. During the years since, Presidents have come and gone; Speakers of the House have come and gone; Members on both sides of the aisles have come and gone. But, one person who has survived longer than most Members of Congress is Raymon Roebuck. We have all, in our own special ways, come to depend on him—with the knowledge that he would always be there when we needed him. He is as dependable, considerate, understanding, and humorous today as he was the day that I met him.

Raymon, I salute you for your years of service to the U.S. Congress and, more importantly, to your country. The Members of this body have grown to love and respect you over the years, and I know that I speak for all of us when I wish you continued success for the next 25 years. All the best!

Mr. DE LA GARZA. Mr. Speaker, to be able to participate in today's special order for Raymon Roebuck is a pleasure indeed since this is someone who has certainly brightened my 23 years in this body and about whom I would like to say some very nice things.

Raymon is a man who has never neglected the needs of those around him. In fact, someone said to me that Raymon has worked to provide us with food for thought as well as consumption. I would like to add that in doing so he has contributed to the dignity and potency of our body by being to my mind a shining example of what we all strive to be—effective in a dynamic, competent, and compelling manner.

He not only cares about the Members, but he is always up to date with all of our families—many a time we exchanged notes about our fathers, and up to the time mine passed away, he always inquired about him—for this I will always treasure his friendship.

So Raymon's services which he has so selflessly proferred over the years have without a doubt been invaluable. For making all our lives and all of our jobs easier I would like to say to Ramon "muchas gracias, amigo," for indeed he is a true friend.

Mr. ROSTENKOWSKI. Mr. Speaker, I am delighted to join the many friends of Raymon Roebuck in celebrating his 25th anniversary of service to the Congress. There has been no more faithful worker among us, and no one more fun to be around when the hours get long.

Anyone who wants to be as popular and as useful as Raymon Roebuck need only imitate his habits of hard work, genuine concern for others, unfailing kind and friendly manner, and respect for the traditions of the House. Add to that his gift for story telling, and you could be guaranteed reelection for life.

It's as simple as hitting a perfect golf shot. You merely have to do about 25 things just right, and all at the same time.

I do have one suggestion for Raymon, however, on how to get rid of even more chili in the Democratic cloakroom—go back to using bigger bowls. When I first came here, I seem to recall, the bowls of chili were hero-proportioned, and we ladled it up with giant soup spoons. Now, its cups and teaspoons.

I guess it means that Raymon could also serve as a model for modern business leaders when it comes to stretching the dollar and maximizing the profits. On the other hand, we could all do with a little more fuel to get us through some of the longer floor debates.

I thank Raymon for his friendship and his faithfulness, and I wish him all the best. I also fully expect to see him behind the counter for many, many years to come.

Congratulations, Raymon—I'll be seeing you during the next stem-winder.

Mr. RAHALL. Mr. Speaker, I would like to take this opportunity to add my voice to the chorus of tribute to our good friend, Raymon Roebuck, who is celebrating 25 years of service at the Democratic Cloakroom sandwich bar. Raymon has been a good worker, a great companion and, most important, a trusted friend. He has made many a late night bearable. His wit and ability to tolerate us has kept many of us on the job for hours beyond normal closing.

One has only to look at the reception held in Raymon's honor Wednesday evening in the Capitol to see and know the respect Members of the House have for him. I witnessed more Democratic Members of this body gathered than at any other reception I have attended in my 12 years as a Member of Congress.

On this special occasion, it is quite fitting that we honor a man who has meant so much to us for so many years. Raymon, thank you for being there for all of us, and congratulations on 25 outstanding years of service.

Mr. CARR. Mr. Speaker, I would like to add tribute to my good friend Raymon Roebuck, for his 25 years of service in the Congress of the United States. Raymon symbolizes the best of all employees who work hard and perform a valuable service for the Congress without public recognition. For Raymon and all other employees like him, I want to say how much their service means to us.

Mr. CLAY. Mr. Speaker, It is a great pleasure to pay tribute to our very special friend, Mr. Raymon Roebuck, on the occasion of his 25th anniversary of service on Capitol Hill.

Raymon Roebuck is truly an outstanding public servant. He has demonstrated an indefatigable commitment to improving the quality of life in our Democratic Cloakroom. Raymon's culinary expertise and gracious service at the Sandwich Bar have restored strength and stamina to our bedraggled bodies while his kind words of wisdom and sincere encouragement have inspired and rekindled our sagging spirits. I would like to take this opportunity to credit Raymon Roebuck for spurring many Democratic victories by his unselfish dedication to the tired and hungry.

Raymon Roebuck is a man of stupendous character. His understanding, his patience, his courtesy, and his optimism are a source of inspiration to us all. I am honored to salute Mr. Raymon Roebuck on this very special anniversary and I wish him every continued success in all the years ahead.

AIDS EPIDEMIC LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DANNEMEYER] is recognized for 60 minutes.

Mr. Speaker, we do not know exactly when but sometime within the next week or 2 weeks, or even within the next 6 weeks, the House of Representatives will take up what we will consider to be the landmark piece of legislation dealing with the AIDS epidemic in America. The legislation contains $400 million a year for each of the next 3 years for testing and counseling as a means of reducing the incidence of the disease and hopefully charting a course for this country to pursue, a public health policy as distinguished from a civil rights policy which currently is being pursued to deal with this epidemic in America.

This Member from California has been a senior member of the Health and Environment Subcommittee during my 10 years of service in this body, and in that capacity I have had occasion to examine some of the actions of the current public health officials of this administration as they have conducted themselves with respect to developing a policy to reduce the incidence of this tragic disease in America.

It is sad for me to say that our magnificent President, President Reagan,

today is being badly served by the persons he has selected to serve this Nation as the chief officials of the Public Health Service of America. By that I mean Dr. Bowen, the head of the Department of Health and Human Services, Dr. Windom, Assistant Secretary of Health under Dr. Bowen, in charge of the Public Health Service of America, Dr. Mason, head of the Center for Disease Control in Atlanta, GA, and, of course, Surgeon General Koop, Surgeon General of the United States.

These persons have a responsibility to respond to the American public as to things they have done and things they have not done. These persons who are in charge of the Public Health Service of America have sadly served this President, they have sadly served the people of this country, and they have sadly served this administration.

I have taken this special order this afternoon for the purpose of bringing to the attention of my colleagues specificity with respect to the actions of these four distinguished members of the Public Health Service of America in their failure to take action to protect the public health of the people of our country. This letter was written recently to the President of the United States, Mr. Reagan, to outline the deficiencies of the persons he has appointed to serve him and, indeed, this letter has been signed by 15 of the 17 Republicans serving on the Energy and Commerce Committee, the policy committee that contains the Health and Environment Subcommittee, which is one of the subcommittees of that policy committee.

□ 1545

I think it would be appropriate for this Member from California to read this letter at this time, because I think it outlines the deficiencies of the Public Health Service of this country that I have previously alluded to.

The letter is as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 15, 1988.

Hon. RONALD W. REAGAN,
The White House,
Washington, DC.

DEAR PRESIDENT REAGAN: An undesirable epilogue for any presidency is, "This tenure marked the failed policies of the tragedy of. . . ." Today, after seven significant years of service, Mr. President, you are faced with such an unnecessary finale. The national tragedy is AIDS. The failed policies are attributable to political appointees in the Department of Health and Human Services.

Facts and fate have made this message unavoidable. We do not relish having to admonish the administration of such a good friend. But admonish we must. It is not unjust or unfair to say that thousands of productive lives have been lost due to AIDS because of failed leadership with HHS and, specifically, the Public Health Service.

Our message has not, is not, and will not be popular among the appointees as a whole and, we are certain, excuses and explanations against our claims will abound. But personal motives and popularity should be insignificant factors in public health solutions to preserve human life. We let the record support our claims.

The first failure of the Public Health Service, under the aegis of HHS, is their lack of aggressiveness in maintaining the integrity of the blood supply. As a result, many innocent persons have contracted AIDS who otherwise would not have. As far back as May 1983, Dr. Edgar Engelman, medical director of the blood bank for Stanford University Hospital, had the courage to insist that no untested blood would be allowed in his hospital. But this same courage was lacking at PHS.

PHS issued its first guideline on screening blood donations nearly two years later in January 1985. Even then they drew indefensible distinctions between high-risk donors. On the one hand, their guidelines firmly stated that IV drug users (17% of all AIDS cases) were prohibited from donating blood while, on the other hand, male homosexuals (73% of all AIDS cases) were merely to refrain. PHS event went so far as to initially differentiate between "polygamous" [sic] and "monogamous" homosexuals. Those men subjectively assigned to this latter group continued to have unrestricted access to our nation's blood supplies until their regulatory desegregation in September 1985. Despite strict controls recently adopted by the American Red Cross, PHS continues to endorse a guideline that discriminates against IV drug users in favor of male homosexuals.

Second, PHS has failed to impose its statutory authority to close homosexual bathhouses in this nation. By law, the Secretary of HHS, through the Surgeon General if desired, has the authority to insist that states close all bathhouses operating within their boundaries. Knowing what PHS knew concerning the epidemiology of AIDS since 1982, it is unfathomable that they would allow these AIDS-ridden accommodations to remain in business.

Mr. President, nine months ago you asked HHS to undertake prevalence studies to determine "as soon as possible the extent to which the AIDS virus has penetrated our society and to predict its future dimensions." We are still waiting. The Centers for Disease Control continue to conduct a limited surveillance of testing anonymous blood samples bought from a handful of hospitals from around the country, but this is the extent to which they have followed your directive. Public policy cannot be made in ignorance and, excuses aside, PHS has failed to implement your policy designed to provide insight to this problem.

An even worse indictment of PHS is their reliance on basing future projections of the spread of AIDS on insufficient and speculative data. The CDC reported to your Domestic Policy Council back on November 30, 1987, that the nationwide infection rate among heterosexuals was .021%. By the same token, the United States Army has been testing new recruits and active personnel for two years—this is hard data, not speculation. The Army's findings revealed an infection rate among presumably heterosexual active personnel of .21%, ten times higher than the .021% reported by the CDC. The rate among recruit applicants was .15%, or seven times higher.

The discrepancy between CDC speculation and Army facts is, at worst, a delibertate attempt to misinform the public concerning the spread of AIDS in the general population or, at best, the result of unprofessional irresponsiblity on the part of the CDC. Either way, this discrepancy should be reconciled at once. Both cannot be right.

A last complaint against PHS is their general failure to recommend routine public health procedures to fight the spread of AIDS. The proposition that traditional procedures to fight curable communicable diseases do not apply to incurable communicable diseases such as AIDS is defensible only on political grounds.

Reportability is the cornerstone of all public health endeavors to control the spread of communicable disease. Due to failed leadership this policy has been turned upside down to the point that, in California, the confidential reporting of a carrier of the AIDS virus, even by a licensed physician, is a criminal offense.

Opponents of reporting want to leave this decision up to the states. These opponents, mostly liberal Democrats and, sadly enough, Secretary Otis Bowen of HHS, have positioned themselves on what they perceive as a states rights issue, leaving conservative proponents of reporting in the unenviable position of supporting the oversight and instruction of Big Brother. Opponents to reporting know that if states were allowed this choice both California and New York (representing over half the AIDS cases nationwide) would choose to continue their status quo policy of nonaccountability.

Mr. President, allowing states to decide this fundamental public health issue based on consensual politics is the equivalent of allowing governors to decide whether or not the citizens of their respective states will participate in the selective service program. This flexibility would be intolerable in wartime conditions and, likewise, the state option on reporting the nationwide AIDS epidemic is equally unconscionable.

HHS, PHS and the CDC have been remarkably inadequate in their leadership roles to stem the tide of AIDS. They have allowed science to give way to special interest politics. What is worse is that administration appointees are accomplices to this radical departure from traditional public health procedure. Mounting an effort against these militant special interests and their congressional minions who oppose a traditional response to this problem is made even tougher if they are able to claim that they are simply parroting PHS.

Mr. President, we are requesting your personal intervention in this matter. Your direct authority is desperately needed to rectify the public health incongruities which emanate from HHS, PHS and the CDC regarding the issue of AIDS. Now is the time to take control and provide the necessary leadership to recover a traditional response to dealing with communicable disease.

We look forward to meeting with you at your earliest convenience.

Very truly yours,

William E. Dannemeyer, Robert K. Dornan, Bob Badham, Norman F. Lent, Philip M. Crane, Carlos J. Moorhead, Dick Schulze, Larry E. Craig, Ron Packard, Bob Whittaker, Mike Bilirakis, Sonny Callahan, Thomas J. Bliley, Jr., Dan Burton, Joe Barton, Howard C. Nielsen, Dan Schaefer, Jack Fields, Ed Madigan, Tom DeLay, Michael Oxley, Members of Congress.

Let me say on this point just how our public health care system functions because, for any of the Members

of this body to understand the true civil rights approach that America is now pursuing in controlling the AIDS epidemic rather than a public health response, we have to understand fundamentally how our public health care system functions.

When any of us are feeling ill and it gets bad enough where we decide we want to go to a doctor, we go into our doctor's office, the privacy of that chamber, just the doctor and the patient, and the doctor listens to our complaints. In connection with that examination the doctor may very well decide to take a blood sample for the purpose of determining what is in our blood. And at that point most men and women of this country, indeed around the world, understand that a nurse will come in and put a tourniquet around the arm of a patient. Then we are asked to make a fist so as to better evidence the existence of the blood vessels, and then a nurse takes a needle, and sticks it into our blood vessel and takes out a blood sample, and tests are conducted on that blood sample in order to determine what the status of our blood is.

At the point where we as a patient surrender our blood to our doctor, at that point we are impliedly giving consent to that doctor to take or perform what tests in his or her discretion are called for to determine the status of our blood. Implied consent, that is one of the cornerstones of how our health care system functions.

So profound is the policy of our law to protect the integrity of the doctor-patient relationship that anything that is said in that examining room between a doctor and the patient is confidential. It is nobody's business except the doctor and the patient.

Indeed our law has a policy of protecting the sanctity and integrity of the doctor-patient relationship to the point where the States of the Union have policies in their statutes which say that except under very limited circumstances where a patient will sue a doctor or a patient will bring a cause of action to recover damages to their person, what is said in the examining room is not discoverable in a legal proceeding. It is confidential, as it should be. That statement of confidentiality, of inviolability, pertains except when our doctor, whose wages, or salary or fee we pay, finds that we as a patient have a communicable disease. The doctor is required by law to breach the confidentiality of the doctor-patient relationship and report our name, and address and telephone number to county or city public health authorities.

The reason we breach this confidentiality and report communicable disease in our society is very simple. There are three reasons for the whole concept of reportability. First, we want to gather statistical information on the size of the problem. Second, we want to cure people with a communicable disease. Third, we want to prevent the transmissibility of communicable diseases to other people. Those are the three reasons why we breach that confidentiality and report someone with a communicable disease.

Now in my State of California we have 58 diseases on the list of reportable diseases. Among those 58 are six venereal diseases, all curable by the way. Syphilis, gonorrhea and chlamydea are among those six.

Also on the list of reportable diseases in every State of the Union today is fully developed AIDS. That is one of deterioration of the immune system, and it reaches the point where opportunistic diseases inflict themselves upon the patient so as to cause what medical science has designated as fully developed AIDS. Examples of those are a rare form of cancer, a form of pneumonia, just to name a few. Fully developed AIDS has been reportable for the last 6 years. Those with the virus are not reportable except in eight States in the Union, and in those eight States they contain less than 10 percent of the cases.

The main political debate on this issue in America today revolves around the issue, not of the reportability of those with fully developed AIDS, but those who are positive HIV status, some of whom it is claimed are asymptomatic.

I will come back to my statement just a moment ago about reportability. Some States in the Union; my State of California is one of them, have pursued such an absurd policy that this is the situation that exists in California today. If a physician in private practice finds a patient with a curable venereal disease like syphilis or gonorrhea, the doctor is required to report that patient's name, and address and phone number to county or city public health authorities. If on the other hand the same physician finds a patient with a noncurable veneral disease, like the virus for AIDS, if a doctor in California would report that patient to public health authorities, the doctor would commit a crime. When people in California, and around this country for that matter, hear the absurdity I have just described, it is so unbelievable that people have difficulty in believing that the law would create such an absurdity or it would mandate the reportability and public health of people with a curable venereal disease and yet make the reportability of a noncurable veneral disease a crime.

□ 1600

Believe me, my colleagues, that absurdity did not come into the law of California as the result of logic or reason. It came into the California law as the result of politics, because this absurdity in the law of California is the result of the political clout of the male homosexual community in that State that used their leverage to their legislature, in this instance the law that I have described, AB-403, which was adopted in March of 1985, offered by Assemblyman Art Agnos, who is now the mayor of San Francisco. That law is on the books today. It is the subject of an initiative in that State to repeal that absurdity; but it is relevant not only to California, it is relevant to all of us across the country, because this is not a California issue. It is not a New York issue, notwithstanding those two States have 52 percent of the cases in America between them, but because we Americans are looking at a disease that unless we find a cure, we are probably going to see the death by 1992 of more young men in America, a little less than 300,000 in this country, witnessed in all of World War II in the category of "killed in action."

The whole concept of reportability is at the center stone of the debate over what should be adopted as public health policy in America today.

Opponents of reporting want to leave this decision up to the States. These opponents, mostly liberal Democrats and sadly enough, Secretary Otis Bowen of HHS, have positioned themselves on what they perceive as a States rights issue, leaving conservative proponents of reporting in the unenviable position of supporting the oversight and instruction of Big Brother.

Opponents of reporting know that if States were allowed this choice, both California and New York, representing over half the AIDS cases nationwide, would choose to continue their status quo policy of nonaccountability.

Mr. President, allowing States to decide this fundamental public health issue, based on consensual politics, is the equivalent of allowing Governors to decide whether or not the citizens of their respective States will participate in the Selective Service program. This flexibility would be intolerable in wartime conditions, and likewise the State option on reporting a nationwide epidemic is equally unconscionable.

HHS, PHS, and the CDC have been remarkably inadequate in their leadership roles to stem the tide of AIDS. They have allowed science to give way to special interest politics.

What is worse is that administration appointees are accomplices to this radical departure from traditional public health procedure.

Mounting an effort against these militant special interest and their congressional minions who oppose a traditional response to this problem is made even tougher if they are able to claim that they are simply parroting public health service.

Mr. President, we are requesting your personnel intervention in this matter. Your direct authority is desperately needed to recover the public health incongruities which emanate from HHS, PHS and the CDC regarding the issue of AIDS. Now is the time to take control to provide the necessary leadership to recover traditional responses dealing with communicable diseases.

We Americans were pleased that the President's Commission on AIDS at the end of June issued its report to the President and to the country. One of the recommendations of the President's Commission on AIDS, and I am happy to report this to my colleagues, was that we adopt nationwide the concept of reportability. This Member from California will have such an amendment to the AIDS testing and counseling bill that will be coming to the floor of the House in a week or 2 weeks or 6 weeks, we are not sure when, but the debate on the issue of reportability will be one that I think the country wants to hear about, certainly the Members of this body want to hear about, because it will be one of the major votes in the 100th Congress as to what Members choose to do in hopefully taking action to reduce the incidence of this epidemic.

Sometimes when discussions taken place in my home State of California or in groups that I have been privileged to address around the country on this issue, I kind of get the impression from people in the audience that the thinking goes something like this: "Well, I'm not an intravenous drug user. I'm not a male homesexual. I am not subject as a hemophiliac is to life for dependence on the blood supply of the country. I haven't had surgery, so I have not had a need for a blood transfusion." These groups that I have described constitute roughly 94 percent of the total AIDS cases up until this time in America. The thinking sometimes is, "Well, I'm a heterosexual. I do not fit into any of these groups. Therefore I am not at risk for AIDS or any of the problems that are a part of an epidemic."

If my colleagues believe that, I must inform them that they are misguided and misinformed. This epidemic is not limited to these groups that I have described. Masters and Johnson in a controversial report to the country some 4 months ago that Newsweek magazine featured in its publication for that week made very clear that half a million Americans are acquiring the virus and those who are acquiring the virus are not limited to the groups that I have described.

The fact of the matter is that any person in our society who chooses to pursue a promiscuous and/or a perverse sexual lifestyle is at increased risk for AIDS, whether that person is a heterosexual or homosexual.

The main means of transmissibility of this fatal virus is sex, blood or drugs, but of the almost 60,000 cases of AIDs in America, 3 percent of that total, some 1,800, cannot be fitted into the main groups or classifications that I have described. In other words, CDC cannot tell us how those people got AIDS, 1,800 of them. They do not fit into the group of male homosexuals who contribute 73 percent of the cases nationally. They are not within the group of intravenous drug users who contribute 17 percent of the cases nationally. They are not in the group of hemophiliacs who contribute roughly 2 percent of the cases nationally, and they are not within the group of transfusees of blood who together contribute another 1 percent of those who have acquired this fatal disease.

So the question arises, well, can the virus, can AIDS be transmitted socially or other than by means of sex, blood or drugs? The honest answer is that we frankly do not know for sure.

The correct assessment is the main means of transmissibility is sex, blood, or drugs, but we cannot exclude other means of transmissibility for the reason, as I say, that 3 percent of those cases that have been reported by CDC, they cannot fit them into any of these special categories.

This Member from California has read a great deal of the material that has been printed relating to the epidemic over the course of the last 2½ to 3 years. A lot of this material I would commend to my colleagues because it deserves to be read, but of all the material that this Member has read in recent months in the time that I have described, I think the most succinct analysis of this whole issue of reportability and also touching on a correlating issue that has now come into the public debate of antidiscrimination deserves to be particularly addressed and considered.

This address or speech was given by Dr. David Pence, called the Grand Rapids Address. It was uttered on November 4, 1987, to 1,100 physicians and community leaders in Grand Rapids, MI.

Dr. David Pence is a unique commentator on the AIDS epidemic. He was trained in the classics and physiology before attaining his medical degree from the University of Minnesota. He served 1 year as a general practitioner in an urban community. He worked with I.V. drug users, homosexuals, and low-income patients. It was there he began his campaign to convince physicians and governmental officials to employ traditional public health measures against the AIDS epidemic. He is presently at the University of Minnesota, completing a fellowship in radiation oncology, the treatment of cancer with radiation. Before he entered medical school at the age of 34, he had worked as a community organizer in a black community for 1 year.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to my friend and colleague, the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, may I say to the gentleman from California [Mr. DANNEMEYER] if the gentleman would just finish that thought, I wanted to elicit from the gentleman some of the update information that the gentleman mentioned earlier, so that the Speaker and all people interested in the proceedings of this House can again see that for some unbelievable reason we are moving more slowly than we should be in spite of the national attention on this always fatal plague.

Would the gentleman finish what he was saying about that doctor.

Mr. DANNEMEYER. Mr. Speaker, I thank the gentleman.

Dr. Pence then worked in Minneapolis for 8 years as a full-time civil rights and antiwar organizer and spokesman. He spent a year in Sandstone Federal Prison for draft resistance during the Vietnam war. He is a Roman Catholic and the father of four.

Dr. Pence combines a classical conception of political philosophy, a practical knowledge of protest tactics, and the medical experience of caring for both carriers and end-stage AIDS patients.

His analysis is as unique as his proposals for action are traditional.

This is an address he gave to the 1,100 physicians and community leaders in Grand Rapids, MI, on November 4, 1987. When the history of the AIDS epidemic is written, this address will be remembered as the pivotal document which led to the institution of traditional public health measures in controlling the disease.

I am going to read this address because I think my colleagues should hear what the gentleman has to say, but before I do, I yield to my colleague, the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, I look forward to hearing that.

First of all, the perfunctory compliment that we usually go through when we are sharing in a special order with someone, I want the gentleman to know that this is from my heart and from my ken, as the Scottish say, because the gentleman has done absolute stalwart work here on this issue.

I have said many times in the well and at this leadership desk that a handful of us get a document every week from Health and Human Services that tells us what the current status is of reporting AIDS cases. Then it tells us the status of how many people have died since they

started keeping the death figures in 1981. There were about 85 to 90 some cases who were known to have expired before that. They have lost track of only about six people, and because they do not know where they are, although every doctor in the National Institutes of Health has told me and the Member in the well that they are all in the grave, which means that it is 100 percent fatal, going back 7, 8, or 9 years.

They do give us the figures of death up to the current week. I just called my office. I have not received the Monday, August 1, letter on the condition of this Nation vis-a-vis AIDS, nor have I received the July 25 one; but through Monday, July 18, 68,220 people are reported AIDS cases.

Dr. Koop has told the gentleman from California [Mr. DANNEMEYER], has told me, has told anybody who will listen that this is probably 10 to 20 percent low, he told me once. That was when they made some adjustments in the reporting procedures 2 years ago last month; so let us say it is only 10 percent low. That means that there is another 6,800 cases, so we are talking about 75,000 reported cases, probably on the low side.

The death figures is now way past Korea. We lost 33,629 combatants in Korea.

□ 1615

Dead to AIDS that we know of—38,541 as of 2 weeks ago. We have really passed, or are approaching, 40,000 reportable, recorded deaths. As a matter of fact, by this Friday it will be over 40,000.

That is way past Korea. It is now closing in on the figures of World War I. World War I had a tremendous death toll for the United States in 1918 when we really started in earnest in combat, as late as June 1918, through November 11, Armistice Day, when the war ended, we lost over 50,000 on the battlefield. It was not anywhere near the bloodletting of Europe, but for us, since the Civil War, that was a tremendous loss of life, and we are going to pass that figure although it took 8 years, and then the tempo starts to pick up in earnest.

Here we are approaching the Vietnam combat fatalities of 47,000. We will pass it this year easily, and we still do not contact trace. This is what I wanted to ask the gentleman about, this Nation of 245,500,000 people, the gentleman's State, my State of California, a massive State, sixth Nation in the world really in gross product, what is the status on the California ballot on November 8? What will we be voting on, succinctly as you can?

Mr. DANNEMEYER. I thank the gentleman, my colleague, for his observations. The citizens of California, through the initiative process, have qualified a measure for the ballot for November, proposition 102. It will repeal AB 403, that distortion that was adopted by the State legislature in March 1985. The cornerstone of this initiative, candidly, is to establish as a public health policy in California, which has 22 percent of the cases nationally, reportably in confidence to public health authorities and contact tracing.

So that our colleagues know what contact tracing is all about, let me just respond to how the system works in California and across this country with contact tracing with curable venereal diseases. When any of us manifests to our physician in the privacy of his office that we have a curable venereal disease like syphilis or gonorrhea, our doctor is required to breach the confidentiality of the patient-doctor relationship and report our name and address and phone number to the city or county public health officer, and when the city or county public health officer gets our name, a health care worker will call up on the telephone, and they will say, "Who are your sexual contacts?" If we at that point are inclined to say, as I think the human tendency is, "That is a matter of utmost privacy. I do not choose to reveal that information. Thank you very much. Please go away," the health care worker at that point under the law will say to such a citizen who responds that way, "Citizen of America, we hear you, but we have news for you. Under the law if you choose not to reveal your sexual contacts, we will come and arrest you and take you into custody until the message gets through to you that you are required for the sake of preventing the transmissibility of this disease to other people so that we can contact these sexual contacts and advise them as to the status. If you do not choose to do that voluntarily, we will keep you in custody." Most people get the message. We follow that for a curable venereal disease like syphilis or gonorrhea, but we are not following that same policy for a noncurable venereal disease like the virus for AIDS?

Some people in the public debate say that, "Well, since we do not have a cure, why bother?" The answer is in the 1940's when we did not have a cure for syphilis, we mandated reportability notwithstanding. AIDS is not curable, but it is treatable, and the sooner that people with the virus get into the health care system when they know they have that virus coursing through their veins the better off they are going to be, the better chances they are going to have for a longer life, and the death that now appears to be inevitable will be delayed.

That to me is humanitarian conduct.

Mr. DORNAN of California. Here is what seems to be just unconscionable, going on now. I doubt that we will have a person dying of AIDS speak at our convention. I do not rule out the idea. I would love to have Paul Gann, our tax-crusading strong friend of the gentleman's and of mine.

Mr. DANNEMEYER. He is supporting proposition 102 in California, by the way.

Mr. DORNAN of California. Exactly. That is why I would like to have him speak on that subject and then mention that he is dying of AIDS and put it the way he put it before your subcommittee and say, "I have been murdered by AIDS."

At the Democratic Convention, they did have a nice-looking young man speak. It was late in the evening, and I guess they had to reach out to that constituency, but in that convention of blue smoke they were trying not to be too provocative about anything, and he spoke. I came home late that night. My wife had taped it and played it a few minutes more for me later, and I looked at that poor man up there with that frightened look of people dying of AIDS, trying to be bold. He said, "I appeal to all the members of the Democratic Party and this convention, do not let anybody call us victims. Stand up and say, 'Don't use that word; we are not victims.'"

I had to analyze that, and again looking at these statistics that are 2 weeks old, 1,079 children reported, and a lot of children die and we do not even know it in that permanent underclass that we have tragically developed in this country. Of those 1,079 children, 616 have already died. Every one of those children, particularly the infants, the 2, 3, and 4 year olds right up to young Patrick Ryan's courageous fight, what are they but victims? What is our friend Paul Gann but a victim? He had a heart bypass and received transfusions during that period when a great organization like the Red Cross and a lot of careful hospitals were being sloppy about their blood-reporting process.

As a matter of fact, until the gentleman in the well put the heat on them and it was resolved, I believe, in September 1985, and that is the exact month, the gentleman was very modest about taking credit for that, but we finally got people in this country to pay attention to the pollution of the blood supply. Is not that young man who spoke at the convention also a victim? Was he not victimized by a philosophy of, "You can make hay while the sun shines and never pay the price?"

Mr. DANNEMEYER. on that point, I thank my colleague for bringing that point up, because I have nothing but compassion and sympathy for these tragic victims of this disease called AIDS in America. There is enough blame to go around, but when we look

at what we adult leaders in America have done with the stewardship of power during the 20 years of the sexual revolution that we Americans have witnessed beginning about the mid-1960's, we as a people are saying that we are questioning the existence of standards in human sexuality. We are not necessarily denying them. We are questioning whether these standards exist, and if one is a kid growing up in America and has doubts in his mind as to his human sexuality and he has the Pied Pipers of sex wandering around our culture selling their wares, and by these, I mean, Hugh Hefner of Playboy and Flynt of Hustler and Guccione of Penthouse Magazine saying to the American public through this trash literature that they have made millions of dollars publishing, "But are no longer any standards in human sexuality," and there is a kid examining what his leaders are doing, what do we think?

Mr. DORNAN of California. Hefner's daughter was on one of our excellent interview programs, the "Larry King Show," and I saw the rerun over the weekend, and she said, "Isn't it terrible that it has taken a plague like AIDS to bring open discussion of condoms and sexual education out of the closet?" What, of course, she means is the license, the bunny theory, perpetuated by that magazine.

As a matter of fact, today's Wall Street Journal says, "The Hefner years have run their course." Not exactly, because whatever titillation there was in his particularly clever formula of the scrubbed 18-year-old girl next door presented naked in his centerfolds and up to some very graphic pictures as of the last 4 or 5 years, what it has been replaced by is a videocassette section of hardcore pornography in most, in my experience, of the video rental places.

When some family sees a Pussycat, disgusting hardcore theater roll up its carpet and close the doors, they think "Well, have we awakened in America?" No. It is only because they have lost box office, and this is all available in the local rental place. I stopped frequenting one in my neighborhood because I saw a parent-guardian renting hardcore homosexual videotapes, and you could tell, because they have a large jacket and graphic pictures on the cover, and he was renting it, and he had in tow a 10-year-old boy and a 13-year-old girl, and after we left the store, I was angry at myself that I did not go up and inquire, "Are you their parent? Is this the standard you raise them by?" But like most Americans, I kind of shrank back and said, "Oh, let him wreck his life," but he is wrecking those kids' lives.

We are more graphic in lustful sex exploitation material in 1988 than we were last year or the year before. Twenty years or so of the sexual revolution has not run its course, and one of the ironies I would like to point out to my good friends is that they even tried to use the war in Vietnam to push this sexual permissiveness. The main battle cry of the war, and you can ask any page who was an infant or not even born then, "What is the most memorable expression that comes out the war?" and I will help them a little bit, and say, "Was it Ho, Ho, Ho Chi Minh, or Hey, LBJ, how many kids have you killed today?" and they will eventually say, "I know what it was, Make Love, Not War."

Of course, whether it was Woodstock where the young girls were running around naked and young guys, that was not just making love, we are talking about lust, just happenstance encounters like dogs in an alley that make lust, just having sex for the celebration of recreational sex in and of itself, and then they try to play off against it, instead of going off to war, as if our young soldiers were over there enjoying the battle that was going on, and the irony is, as I pointed out earlier, we are now seeing more people die, at least in the homosexual community because of casual, multiple contacts from the public latrines down to the massage parlors and the hot tubs and the clubs that the people hang out in, all of these deviant lifestyles, and more people are going to die because of lust in the 1980's than died during the decade of the Vietnam war by far.

It was not just a casual, little expression thrown out, "Make lust not war." It is coming back to haunt us in the worst way. I do not believe, this Member does not believe, that we have turned the corner. That is why it is so important.

Mr. DANNEMEYER. Let me make another point that deserves consideration by our colleagues at this point, and that is the tragic failure of the leadership of public health officials across this country in shutting down bathhouses.

I can illustrate right now in San Francisco, in our home State, Los Angeles, New York City, together they have 52 percent of the AIDS cases, but the history of failure of public health leadership in San Francisco is absolutely a tragedy for the people of that city, the people of California, and the people of America, because the health officer of that city was a man named Dr. Mervyn Silverman, who served in that capacity from 1977 to 1984, and during the early part of the 1980's when the AIDS epidemic was growing in America, particularly in cities like San Francisco, Los Angeles, and New York City, it was then quite apparent and vivid that the first policy step we should be taking was to shut down the bathhouses where we knew that anonymous, promiscuous, perverse sex was taking place and transferring this fatal disease. It got so bad that the political leadership of the city of San Francisco, including Dianne Feinstein, then the mayor, literally begged Mervyn Silverman to shut down the bathhouses in that city, and he adamantly refused to do it for the long time that he served in the capacity of health officer of that city.

In September 1984, finally he relented and shut down the bathhouses, but then in 1984 in November, the people of the city and county of San Francisco cast an amendment to their county charter whereby the health officer came under the jurisdiction of the mayor rather than the city administrator, and at that point Silverman knew he would be fired so he resigned.

I mention this because as a part of the sexual resolution in our society, our medical school students that have graduated from the medical schools or who have moved into public health have been caught up in this questioning of the existence of standards in human sexuality as well. Dr. Silverman is a distinguished member of the medical profession, and I have debated him on several occasions. He is intelligent, he is alert, he expresses himself with distinction, but in terms of judgment, he is totally lacking. Here is a leader in the public health service of the State of California saying to the people of California, "We are going to develop a public-health policy based on consensus." That is absolutely absurd, but that is what the guy said.

One of the tragic things is that after Dr. Silverman left his job as health officer of San Francisco County, where did he turn up? He turned up as the chief spokesperson for the California Medical Association interfacing with the public in California as to what should be the policy of our State of California in dealing with the AIDS epidemic.

□ 1630

He was replaced from that position earlier this year by another doctor, so he currently does not hold that status. But all during this time you may from time to time see Dr. Merv Silverman running around the country trying to tell the American public that the correct posture for this Nation to pursue on the issue of reportability is do not make those with the virus reportable to the public health service, because the claim is that it will drive them underground.

They cannot get any further underground than they are already. We have to get a message across to these people that AIDS is not curable, but it is treatable.

Mr. DORNAN of California. Let me ask the gentleman a question on something that happened in my town hall meeting. I had a town hall meeting on AIDS, and as the gentleman knows, I

recommended to other Members not to do it if they are in a big, large urban area because people will show up who will try and take over your meeting. Because I was polite and tried to respond to the questions of a small group of homosexual activists, the towm meeting deteriorated, and the other people who showed up to get information from the latest Koop film, which I showed, which was brandnew, they were very angry that I had allowed that small group to dominate the meeting.

But there was a nurse with this group who works in the Orange County AIDS center clinic, and she got up and told me contact tracing was impossible with this fatal venereal disease because in the nonfatal ones, syphilis, gonorrhea, chlamydia, and so forth, there was hope of it working. But there were so many contacts, so much to do, and so late in the day that it was a big waste of time. Then she went into what the gentleman just said, that besides, it will scare people and drive them underground.

I have been reading articles that in those States that do engage in contact tracing, like Colorado, it does work, it does bring people in, it does get those people who need the treatment into a treatable situation and extends their lives. To me, whenever I see very sad, frightened, AIDS victims dying, and I see them interviewed on television or hear them on radio, what they are saying is they are trying to extend their life, hoping that the magic bullet will be developed in time to reverse the ravages of the disease and save their lives. So, all people want to live. Even when you are a leper in the last stages and your fingers are gone, you want to live generally.

Does it work, is my question to the Member?

Mr. DANNEMEYER. Let me respond by saying that nurse is expressing a philosophy of what I call selfishness, because not only do we have rights in America, we also have duties. That nurse, with all due respect, is overlooking the fact that each of us has a duty, and if I as a citizen have a noncurable venereal disease coursing through my veins, I have rights like any other American citizen, but I have a duty not to transfer that fatal condition to another human being. That duty entails accountability to the public health system, it entails reporting to the public health service my status and my contacts with whom I have had sexual contacts so that those people can be contacted to advise them of their status, so that hopefully when they know they have this fatal condition coursing through their veins they are not going to engage in conduct which is going to transfer it to another human.

What we are talking about here, reportability and confidence to public health, and contact tracing is the cornerstone of what public health has pursued to control any communicable disease that has come down the pike in the history of this country, in fact the history of any nation in Western civilization. The tragedy of it is today that we are not pursuing this routine step of reportability and confidence and contact tracing to control this epidemic. This is why I think it is so important for our colleagues to understand what this issue is, so that when this bill comes along that I talked about earlier of testing and counseling, the amendment that I will be offering to require reportability will be something that this body will approve.

Mr. DORNAN of California. Has the gentleman from California sent a "Dear Colleague" letter to all the Members on his amendment?

Mr. DANNEMEYER. That is correct, yes; I have.

Mr. DORNAN of California. I want to support it and speak in behalf of it on the House floor. I would think that it would have an excellent chance of passing.

Do any other States other than California have any ballots or any measures, any propositions or anything related to this contact tracing and reportability facet?

Mr. DANNEMEYER. I am not sure. The State of Illinois has within this year, through the leadership of Penny Pullen, a member of the President's AIDS Commission and a member of the State legislature, adopted some provisions in dealing with the epidemic that are sound, and I commend her for her leadership in that regard, but reportability is not one of those features.

The State medical society of the State of New York has endorsed the concept of reportability. The President's AIDS Commission includes within its report a recommendation that we adopt it as a policy.

Mr. DORNAN of California. Why has the Watkins Report, named after Admiral Watkins who is the chairman of the President's AIDS Commission, why has it taken some criticism, and has the gentleman found any faults with the Watkins Report?

Mr. DANNEMEYER. The major deficiency of the Watkins Report, and we will not have time in this special order this evening to talk about it, and I appreciate the comments of my colleague from California, Mr. DORNAN, the major deficiency of Admiral Watkins report to the President from the AIDS Commission is emphasis on antidiscrimination legislation.

This Member from California will take another special order tomorrow or sometime next week talking about what policy changes will come to America if we go down the road of giving to individuals with a noncurable disease, in this instance the virus for AIDS, antidiscrimination status, because there are consequences that flow from that designation of status that I am not sure the proponents of antidiscrimination have thought through. Some of them have, quite candidly, and they know exactly what they are doing, and they are pursuing this course of antidiscrimination notwithstanding. But some of those who are proposing antidiscrimination status have not thought through what they are doing.

For example, to name one, the U.S. Army has a policy that you may not come into the military service of the Army if you are HIV-positive. If we adopt antidiscrimination status, does that mean the Army will no longer be able to pursue that policy?

The military service of the U.S. Government has a policy that if you are homosexual you are not suited for military service and you will be discharged. Not every male homosexual is HIV-positive, but many are. If we find a male homosexual in the military service who is HIV-positive, would such a person be able to say, if we adopted antidiscrimination laws, you may not separate me from the military service of the United States because my badge to stay on active duty is the fact that I am HIV-positive, and you may not discriminate against me on that basis, thank you very much, I am going to stay on active duty.

The U.S. Air Force has a policy that if you are HIV-positive you cannot be on flight status, the reason being that 44 percent of people who are HIV-positive manifest dementia, and it impairs their muscular function, and they are taken off of flight status.

EVERY YEAR WE FIND MORE IMPORTS ON OUR SIDE OF THE TRADE BALANCE

The SPEAKER pro tempore (Mr. NEAL). Under a previous order of the House, the gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, my duty here today as chairman of the Steel Caucus is to put a little history on record so that our colleagues can again reiterate in their own mind as to what has happened in our international trade situation. If I may deviate slightly for a moment, I would put on the record the fact that the Steel Caucus, with the executive committee and its chairman, my colleague from Pennsylvania, Mr. MURTHA, who is the chairman of executive committee of the Steel Caucus, and the gentleman from Ohio, Mr. REGULA, who is the vice chairman, and myself as chairman of the full caucus and my other colleague from Pennsylvania, Mr. SCHULZE, who is the vice chairman, along with another 8 to 10 members of our execu-

tive committee met with the AISI group this morning. That is the American Institute that is made up of steelmill owners and operators in this country, the American Iron and Steel Institute. They have been in business for many years and in that capacity they have watched over, have fought for the right of the steel industry in this country to maintain its independence and self-reliance, and to set forth before the Members of this House the needs of the steel industry such as tax considerations, reasonable limitations on imports, and also to spread among our colleagues full information as to what is happening in our international trade situation. I want to emphasize that that meeting was very productive, and at a later date, probably next week, we will put into the RECORD their remarks and also our comments.

Mr. Speaker, when my close friend and colleague, the late John Dent, came to Congress 30 years ago, his was the lone voice warning the Nation of the perils of unrestricted and uncontrolled foreign imports.

Everyone who knew Johnny was grieved by his death 4 months ago, but his memory and the wisdom of his observations lives on. During the 10 years that John Dent and I spent together in the House we talked countless times about trade and the economic future of the United States.

I learned a great deal from him during that time, and I think he would be glad to see that Congress and the American people are finally beginning to take our overwhelming trade deficit and our perilous trade posture seriously.

For years, he and I spoke out against unfair foreign trade practices, our trade deficits, and our declining manufacturing base. Now Congressman JOHN MURTHA, who succeeded John Dent, has undertaken the trade cause and we both are working closely with our colleagues in opposing unfair imports.

To win the trade war, America's trading forces need to close ranks and form a united well-coordinated front. We also need expert leadership and a strong comprehensive trade plan to improve America's long-term position in the world market.

This kind of comprehensive trade strategy is difficult to develop, but I believe the new omnibus trade bill, H.R. 4848, is a solid first step. The bill was overwhelmingly passed by the House and I trust that our colleagues in the Senate will pass it by an equally wide margin.

The new trade bill offers us a number of ways to prevent the abuses and infractions of trade law we have seen in the past, and it offers new protections against unfair foreign trade practices.

Well, it's about time.

We've known about the illegal ways our foreign so-called trading partners have abused their free access to our huge domestic market for decades, but it took last year's record-setting $171.2 billion trade imbalance to get Congress to act.

Long before our trade deficit was headed toward $200 billion, Johnny and I were warning Congress and the American people about the dangers of unrestricted trade. I recently ran across an address which I delivered in this Chamber 15 years ago this month, and it reminded me of how things have changed since 1973.

These changes over the last decade and a half have been gradual, but the seeds of our current problems were sown long ago. I would like to share with you some of the observations I made about our trade situation back in 1973. I think those comments are as timely today as they were then, so let me quote them briefly:

When foreign imports began to trickle into the country after World War II, there were those who said they would be a boon to the American consumer, because they were cheaper than similar products made here at home. They also contended a little competition from abroad would not hurt our high-priced American workers.

But that trickle soon became a torrent. Imports poured into the country in ever-increasing quantities. In many cases the foreign manufacturer was subsidized by his government, enabling him to undersell domestic competitors.

He was willing to take a financial loss now for huge profits later. He glutted our markets with his low-cost products, undercutting and eventually crushing the competition, forcing them to close their plants and lay off their workers.

Mr. speaker, that was 15 years ago. Over the last decade and a half, we've seen even more of the impact of the uncontrolled flood of foreign imports. As the current chairman and a founding member of the Congressional Steel Caucus, I've certainly seen how unfairly priced imports have almost bankrupted our steel industry.

In 1973, there were 673,000 Americans making steel, and foreign steel captured 12.4 percent of our market. In 1988, there are only 170,000 men and women making steel, and imports capture over 20 percent of the U.S. market.

And the steel industry is not alone. Imports have increased across the board, and there's no end in sight.

In 1973, the United States enjoyed a $900 million merchandise trade surplus. This year, economists predict that we'll again be faced with a $170 billion trade deficit.

In that same 1973 speech I wondered what might happen if foreign imports continued to increase. Let me quote again from those remarks I gave 15 years ago:

Imports still are coming into the country—only now their manufacturers are coming with them. They are building here, buying there, are gaining greater control everywhere. Our Nation has become an international supermarket with our businesses on sale at bargain basement prices. Foreign buyers are swallowing up companies in every industry and in every State.

"Buy American" once had a patriotic ring to it. Now it has a hollow one. "Buy American" now is the battle cry of foreign investors. They see our businesses ripe for the picking and they are swarming over the countryside, their arms loaded with excess American dollars that nobody wants.

Back in 1973 many of us saw what might happen after foreign businesses got a foot in the door of the American market. It started with a foot in the door, then a leg, and now foreign interests are not only inside, they're bidding to buy the whole house.

In 1973, total foreign investments in the United States reached $18 billion. Today, foreign owners control 1.5 trillion dollars' worth of American property and assets, and some of our Nation's largest companies have been acquired by overseas interests.

There are certainly hazards to foreign investment in U.S. companies. I mentioned this in 1973 when I said:

What guarantee do the few Americans working for a foreign employer have that their boss would not pack up and go home after trampling the competition. Or, if economic conditions are such that it would be cheaper for him to make his product back home, do you think he would hesitate a minute? Do you think he would have the slightest concern as to what will happen to his employees and their families?

Mr. Speaker, that's the way I saw it in 1973, and I truly believe that in the last 15 years the situation has only gotten worse.

Foreign companies have bought a $1.5 trillion share of American stocks, bonds, factories, real estate, and our Federal debt.

This has been going on for decades, but there is absolutely no way for anyone, even a Member of Congress, to find out exactly what foreign nationals are buying and how much they're paying for it. The information simply is not available.

Under pressure from the President and the high rollers in America's largest multinational corporations, the foreign investment reporting requirement was dropped from the omnibus trade bill. That provision would have required foreign holders of American assets to provide the most basic financial information about their American holdings.

I strongly believe that free and open information is essential to America's security and economic health, and I was very disappointed when that provision was dropped from the trade bill.

Well, even if H.R. 4848 doesn't require investment disclosure, it does contain a number of provisions to improve our ability to compete in the world marketplace.

Besides strengthening our ability to retaliate against unfairly traded foreign imports, the bill provides nearly $1 billion for worker training; it improves our schools and libraries; it makes it easier for American companies to export their products; and it extends the President's authority to negotiate trade agreements.

The new trade bill certainly isn't perfect, but no bill ever is.

In the past 15 years, we've passed the Trade Act of 1974, the Trade Agreements Act of 1979, and the Trade and Tariff Act of 1984. All of these bills have improved our ability to negotiate trade agreements, and without them our trade deficit would probably be much worse.

H.R. 4848 is even better. It is the most comprehensive trade bill ever introduced in Congress. It's also the first step in the process of taking trade seriously; the first step in bringing order and reason to our trade policy; the first step along the long road toward a comprehensive national trade strategy to regain our leadership in the world market.

The second step is to streamline the process of developing and implementing American trade policy. Right now, there are many, many Federal departments and agencies responsible for U.S. trade policies. The Departments of Commerce, Treasury, Agriculture, State, and Defense all have a say in how we buy and sell goods across our national borders.

The U.S. Trade Representative tries to coordinate these departments, but he has no authority over them so he cannot implement trade policy.

Some believe that this haphazard arrangement is the best we can do. Some argue that in an economy as complex as ours, it's unreasonable to expect any effective long-term economic planning. Some say that trade policies are against the very nature of free enterprise.

Well, I have two words to say to those people—you're wrong.

I don't believe that free enterprise gives any foreign businessman the freedom to put American workers out of jobs by selling products made with foreign government subsidies.

I don't believe that foreign investors should be allowed to buy and sell American land and American factories without any open supervision.

But, most of all, I don't believe that we can win the trade war unless we treat our overwhelming trade deficit like it should be treated—like a national emergency.

America needs a single department with the authority and the duty to negotiate trade agreements, to formulate long-term trade policies, to coordinate other Government agencies affected by trade, to increase American exports, to monitor foreign imports and investments, and to reduce the crisis proportions of our $170 billion trade deficit.

All of these goals could be accomplished by a new Department of Trade. In the early days of the 100th Congress I introduced H.R. 646, which would create that Department.

The combination of a new, strong Department of Trade and the new omnibus trade bill would be clear signals to our foreign trade competitors that we are serious about reducing our trade deficit and regaining our lead in the world's economy.

If he were with us today, John Dent would be pleased. He'd be pleased to see that Congress is getting serious about facing up to our trade problems, and he'd be spending all of his enormous enthusiasm and energy to see these bills become law.

Mr. Speaker, we have all worked long and hard to put together the present omnibus trade bill, and I think the end result will help us win back our lead in the world trading game. I urge all of my colleagues in the Senate to support this bill and I urge the President to show his courage and leadership by signing it into law.

There's no doubt that to win the international trade war, we must mobilize our forces to win, and H.R. 4848 is the best weapon we've had in years.

□ 1700

GENERAL LEAVE

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. NEAL). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BUNNING) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes, today.

Mr. GINGRICH, for 60 minutes, August 3.

Mr. GINGRICH, for 60 minutes, August 4.

Mr. WALKER, for 5 minutes, today.

(The following Members (at the request of Mr. ERDREICH) to revise and extend their remarks and include extraneous material:)

Mr. HUBBARD, for 5 minutes, today.

Mrs. BOGGS, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. GAYDOS, for 60 minutes, today.

Mr. COELHO, for 60 minutes, on August 3.

Mr. GAYDOS, for 60 minutes, on August 3.

(The following Member (at the request of Mr. DANNEMEYER) to revise and extend his remarks and include extraneous matter:)

Mr. SOLOMON, for 60 minutes, August 3.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BUNNING) and to include extraneous matter:)

Mr. BROOMFIELD in three instances.

Mr. MARLENEE.

Mr. LENT.

Mr. ROWLAND of Connecticut.

Mr. INHOFE.

Mr. SUNDQUIST.

Mr. BURTON of Indiana in two instances.

Mr. BILIRAKIS.

(The following Members (at the request of Mr. ERDREICH) and to include extraneous matter:)

Mr. THOMAS A. LUKEN.

Mr. MAVROULES.

Mr. MCMILLEN of Maryland.

Mr. RANGEL.

Mrs. KENNELLY.

Mr. SMITH of Florida.

Mr. OBEY.

Mr. TRAFICANT in two instances.

Mr. HUGHES.

Mr. MARKEY.

Mr. YATRON.

Mr. LANTOS.

Mr. RAHALL in two instances.

Mr. ECKART.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2530. An act to improve the management of the Federal pay system and increase efficiency and productivity of Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2213. An act to require certain telephones to be hearing aid compatible;

H.R. 3811. An act to designate the Federal building located at 50 Spring Street, Southwest, Atlanta, GA, as the "Martin Luther King, Jr. Federal Building"; and

H.R. 4726. An act to designate the United States Post Office Building located at 700

Main Street in Danville, VA, as the "Dan Daniel Post Office Building."

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2385. An act to amend the Public Health Services Act to revise and extend the programs establishing migrant health centers and community health centers.

ADJOURNMENT

Mr. GAYDOS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Wednesday, August 3, 1988, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4110. A letter from the Professional Audit Review Team transmitting an evaluation of the Energy Information Administration's performance during the period October 1985 through June 1987, pursuant to 15 U.S.C. 790d(a); to the Committee on Energy and Commerce.

4111. A letter from the Vice President, Farm Credit Banks of Springfield, transmitting the annual report for the Farm Credit Banks of Springfield retirement plan covering the plan year January 1, 1987 through December 31, 1987, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

4112. A letter from the Manager—Benefits, Freddie Mac, transmitting the 1987 annual report for the Federal Home Loan Mortgage Corporation employees' pension plan, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

4113. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4114. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4115. A letter from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting a report of the grants of suspension of deportation of certain aliens, pursuant to 8 U.S.C. 1254(c); to the Committee on the Judiciary.

4116. A letter from the Acting Administrator, General Services Administration, transmitting a copy of a proposed lease prospectus for the Federal Aviation Administration, Oklahoma City, OK, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

4117. A letter from the Governor, State of California, transmitting a copy of the "Southwestern Low-Level Radioactive Waste Disposal Compact," enacted in California on June 17, 1987 and in Arizona on July 8, 1988, for formal ratification by the House and Senate, pursuant to Public Law 99-240; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3621. A bill to declare that certain lands located in California and held by the Secretary of the Interior are lands held in trust for the benefit of certain bands of Indians and do declare such lands to be part of the reservation with which they are contiguous; with amendments (Rept. 100-811). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. House Resolution 507. A Resolution providing for the consideration of H.R. 4333, a bill to make technical corrections relating to the Tax Reform Act of 1986, and for other purposes (Rept. 100-812). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 508. A Resolution providing for the consideration of H.R. 4352, a bill to amend the Stewart B. McKinney Homeless Assistance Act to extend programs providing urgently needed assistance for the homeless, and for other purposes, (Rept. 100-813). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

Mr. ANNUNZIO:

H.R. 5121. A bill to amend the Federal Election Campaign Act of 1971 to require publication of certain information relating to multicandidate political committees; to the Committee on House Administration.

By Mr. BUSTAMANTE (for himself, Mr. BRYANT, Mr. FRANK, Mr. ANDREWS, Mr. KOLTER, Mrs. COLLINS, Mr. DAVIS of Michigan, and Mr. LEVINE of California):

H.R. 5122. A bill to amend title 18, United States Code, to provide penalties for the disclosure by Federal Government Employees of certain information relating to Government contracts; to the Committee on the Judiciary.

By Mr. DICKS:

H.R. 5123. A bill to modify the project for Wynoochee Lake, Wynoochee River, WA, to authorize the Secretary of the Army to permit the city of Aberdeen, WA, to operate, maintain, repair, and rehabilitate the project for Wynoochee Lake, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. STARK:

H.R. 5124. A bill to amend title 3, United States Code, to require reimbursement for employees detailed to the White House Office and certain other offices for the full period of time for which any such employees are so detailed, rather than for only periods in excess of 180 calendar days in any fiscal year; to the Committee on Post Office and Civil Service.

H.R. 5125. A bill to amend title 3, United States Code, to provide that employees holding positions excepted from the competitive service because of their confidential or policy-determining character may not be detailed to the White House or certain other offices; to the Committee on Post Office and Civil Service.

By Mr. DICKS (for himself, Mr. FOLEY, Mr. BONKER, Mr. LOWRY of Washington, Mr. SWIFT, Mr. MORRISON of Washington, Mr. CHANDLER, and Mr. MILLER of Washington):

H.R. 5126. A bill to direct the Administrator of the Environmental Protection Agency to make grants to the State of Washington Puget Sound Water Quality Authority to implement the Puget Sound water quality management plan; to the Committee on Public Works and Transportation.

By Mr. DIOGUARDI (for himself and Mr. SCHEUER):

H.R. 5127. A bill to direct the Administrator of the Environmental Protection Agency to make grants to an interstate agency established by Connecticut and New York for the purpose of implementing the comprehensive conservation and management plan for Long Island Sound; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. DYMALLY:

H.R. 5128. A bill to provide for the establishment of a Western Hemisphere Center for Cultural and Technical Interchange; to the Committee on Foreign Affairs.

By Mr. GUNDERSON (for himself and Mr. COELHO):

H.R. 5129. A bill to eliminate unnecessary and redundant data requirements requested by States or the Federal Government under the "Registration of Pesticides—Additional Data to Support Existing Registration" (7 U.S.C. 136a(c)(2)(B))—section of our pesticide laws; to the Committee on Agriculture.

By Mr. HUGHES (for himself and Mr. SAXTON):

H.R. 5130. A bill to amend title 18, United States Code, to provide penalties for the dumping of hospital wastes in the high seas, and for other purposes; to the Committee on the Judiciary.

By Mrs. KENNELLY:

H.R. 5131. A bill to amend title XVIII of the Social Security Act to permit payment under the medicare program for certain types of foot care; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mrs. LLOYD (for herself, Mr. MORRISON of Washington, Mr. VALENTINE, Mr. LUJAN, Mr. BRUCE, Mr. FAWELL, Mr. STALLINGS, Mr. CHAPMAN, Mr. HOCHBRUECKNER, Mr. WALGREN, Mr. TRAFICANT, and Mr. KANJORSKI):

H.R. 5132. A bill to amend the Federal Nonnuclear Energy Research and Development Act of 1974 to improve the transfer of technology or devices developed by the Department of Energy National Laboratories, and to improve interagency cooperations between the Department of Energy and other agencies with respect to technology transfer; to the Committee on Science, Space, and Technology.

By Mr. MARKEY (for himself, Mr. DINGELL, Mr. RINALDO, Mr. LENT, Mr. SYNAR, Mr. ECKART, Mr. BOUCHER, and Mr. COOPER):

H.R. 5133. A bill to improve the procedures and remedies for the prevention of insider trading, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RAHALL:

H.R. 5134. A bill to require the Secretary of Energy to place certain signs regarding environmental information reciprocity at the Canadian-United States border; to the Committee on Energy and Commerce.

By Mr. SAXTON (for himself and Mr. HUGHES):

H.R. 5135. A bill to amend the Housing Act of 1949 to authorize the Secretary of Agriculture to provide for legal representation in litigation involving the collection of claims and obligations arising out of rural housing programs; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. SMITH of Nebraska:

H.R. 5136. A bill to authorize amendments to a certain water service contract for the Frenchman Unit of the Pick-Sloan Missouri Basin Program; to the Committee on Interior and Insular Affairs.

By Mr. BUECHNER (for himself, Mr. DORNAN of California, and Mr. BURTON of Indiana):

H.J. Res. 627. Joint resolution designating July 27, 1989, as "National Korean War Veterans Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. SCHULZE:

H.J. Res. 628. Joint resolution designating the period of September 17, 1988, through September 24, 1988, as "American Mushroom Week"; to the Committee on Post Office and Civil Service.

By Ms. SLAUGHTER of New York:

H.J. Res. 629. Joint resolution designating October 22, 1988, as "National Chester F. Carlson Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. BURTON of Indiana (for himself, Mr. COELHO, Mr. LAGOMARSINO, Mr. PORTER, Mr. FAZIO, Mr. LIPINSKI, Mr. SHUMWAY, Mrs. BENTLEY, Mr. MAVROULES, Mr. DORNAN of California, Mr. SHAYS, Mr. HERGER, and Mr. BADHAM):

H. Con. Res. 343. Concurrent resolution concerning human rights of the Sikhs in the Punjab of India; to the Committee on Foreign Affairs.

By Mrs. BOGGS:

H. Res. 509. Resolution providing amounts from the contingent fund of the House of Representatives for certain expenses of the program known as Understanding Congress: A Bicentennial Research Conference; to the Committee on House Administration.

By Mr. LEVIN of Michigan:

H. Res. 510. Resolution providing for printing of a collection of statements made in tribute to the late Senator Robert F. Kennedy; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DE LA GARZA:

H.R. 5137. A bill to qualify the *Fre-N-Eze* for U.S. Charter Service; to the Committee on Merchant Marine and Fisheries.

H.R. 5138. A bill to qualify the *Beta Lyra* for U.S. Charter Service; to the Committee on Merchant Marine and Fisheries.

By Mr. FRANK:

H.R. 5139. A bill for the relief of Lawrence R. Machado; to the Committee on the Judiciary.

By Mr. ROTH:

H.R. 5140. A bill for the relief of the vessel *Te De II;* to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 81: Mr. GORDON.

H.R. 382: Mr. NIELSON of Utah.

H.R. 387: Mr. MAVROULES, Mr. MOAKLEY, Mr. GREEN, Mr. FLAKE, and Mr. SHAYS.

H.R. 672: Mr. ERDREICH and Mr. GORDON.

H.R. 955: Mr. BAKER and Mr. HOLLOWAY.

H.R. 988: Mrs. BENTLEY, Mr. WELDON, and Mr. BORSKI.

H.R. 1007: Mr. GILMAN, Mr. HILER, Mr. FISH, Mr. TORRES, Mr. SHUSTER, Mr. TALLON, Mr. FEIGHAN, Mr. LEATH of Texas, Mr. LAGOMARSINO, Mr. ROWLAND of Connecticut, and Mrs. LLOYD.

H.R. 1028: Mr. DEWINE, Mr. VALENTINE, Ms. SLAUGHTER of New York, Mr. FAUNTROY, Mr. HOPKINS, and Mr. RAHALL.

H.R. 1076: Mr. CONYERS, Mr. BUSTAMANTE, Mr. HATCHER, Mr. HYDE, Mr. BILIRAKIS, Mr. LOWERY of California, Mr. HASTERT, Mr. WYDEN, and Mr. BATES.

H.R. 1250: Mr. DIOGUARDI.

H.R. 2021: Mr. RANGEL, Mr. FAUNTROY, Mr. LEVIN of Michigan, and Mr. KENNEDY.

H.R. 2151: Mr. DOWNEY of New York.

H.R. 2212: Mr. SHAYS, Mr. GRAY of Illinois, and Mr. RAVENEL.

H.R. 2464: Mr. DEFAZIO.

H.R. 2501: Mr. ECKART, Mr. EVANS, Mr. FLORIO, Mr. FAWELL, Mr. LOWRY of Washington, Mr. BUSTAMANTE, Mr. ROYBAL, Mrs. SCHROEDER, and Mr. SHARP.

H.R. 2545: Mr. DE LA GARZA, Mr. MCCURDY, Mr. GRAY of Illinois, Mrs. BENTLEY, and Mr. DYSON.

H.R. 2854: Mr. KANJORSKI.

H.R. 2925: Mrs. SAIKI.

H.R. 2935: Mr. RUSSO, and Mr. MAVROULES.

H.R. 3045: Mr. MARTINEZ and Mrs. VUCANOVICH.

H.R. 3410: Mr. VOLKMER.

H.R. 3490: Mr. PACKARD.

H.R. 3723: Mr. ECKART and Mr. DORGAN of North Dakota.

H.R. 3726: Mr. DERRICK and Mr. NELSON of Florida.

H.R. 3782: Mr. SLATTERY and Mr. RICHARDSON.

H.R. 3891: Mr. ATKINS.

H.R. 4036: Mr. MAVROULES, Mr. TORRICELLI, and Mr. BOEHLERT.

H.R. 4230: Mr. WOLPE.

H.R. 4302: Mr. DIOGUARDI.

H.R. 4335: Mr. RITTER, Mr. ATKINS, Mr. OWENS of Utah, Mr. MCHUGH, Mr. RAVENEL, and Mr. NELSON of Florida.

H.R. 4352: Mr. OBEY and Mr. RAHALL.

H.R. 4396: Mr. THOMAS A. LUKEN, Mr. KANJORSKI, and Mr. OLIN.

H.R. 4454: Mr. WORTLEY.

H.R. 4473: Mr. SCHUMER, Mr. KOSTMAYER, Mr. MARKEY, Mr. DENNY SMITH, Mr. BEILENSON, Mr. MANTON, Mr. HUBBARD, Mr. DAVIS of Michigan, Mr. GEJDENSON, Mr. PRICE of North Carolina, Mr. KANJORSKI, Mr. APPLEGATE, Mr. HORTON, Mr. PENNY, Mr. ARMEY, Mr. RAVENEL, Mr. SCHAEFER, Mr. DANNEMEYER, Mr. CHAPMAN, Mr. UPTON, Mr. KYL, Mr. COBLE, Mr. VENTO, Mr. WORTLEY, Mr. MORRISON of Washington, Mr. DORGAN of North Dakota, Mr. KOLBE, Mr. FLIPPO, Mr. JEFFORDS, Mr. HEFNER, Mr. SMITH of Florida, Mr. ACKERMAN, Mr. SKEEN, Mr. SWIFT, Mr. BURTON of Indiana, Mr. COYNE, Mr. SWINDALL, Mr. SIKORSKI, Mr. GILMAN, Mr. AUCOIN, Mrs. MORELLA, Mr. MARTINEZ, Mr. RITTER, Mrs. LLOYD, Mr. FAUNTROY, Mr. GINGRICH, and Mr. HAYES of Illinois.

H.R. 4479: Mr. FRANK, Mr. LAGOMARSINO, Mr. BROWN of California, and Mr. ATKINS.

H.R. 4498: Mr. DE LUGO and Mr. LELAND.

H.R. 4614: Mr. JOHNSON of South Dakota, Mr. DERRICK, Mr. ATKINS, and Ms. SNOWE.

H.R. 4618: Mr. MYERS of Indiana, Mr. ATKINS, Mr. DIOGUARDI, and Mr. GEPHARDT.

H.R. 4666: Mr. GIBBONS.

H.R. 4725: Mrs. MORELLA, Mr. MCGRATH, Mr. UPTON, Mr. WORTLEY, and Mr. LEWIS of Georgia.

H.R. 4830: Mr. PACKARD, Mr. MCCANDLESS, Mr. MCCURDY, Mrs. MARTIN of Illinois, Mr. HOLLOWAY, Mr. MILLER of Washington, and Mr. OWENS of Utah.

H.R. 4855: Mrs. BENTLEY and Mr. DE LUGO.

H.R. 4894: Mr. MCCANDLESS and Mrs. ROUKEMA.

H.R. 4898: Mr. UPTON, Mr. RHODES, Mr. DAVIS of Illinois, Mrs. BENTLEY, Mr. HERGER, Mr. DORNAN of California, and Mr. HOLLOWAY.

H.R. 4904: Mr. GREEN, Mr. SMITH of New Jersey, Mr. YATES, Mr. DE LUGO, Mr. WALGREN, Mr. FOGLIETTA, Mr. LANCASTER, Mrs. BOXER, and Mr. BORSKI.

H.R. 4924: Mrs. BENTLEY, Mr. ROE, Mr. SOLOMON, Mr. BONIOR of Michigan, Mr. TRAFICANT, and Mr. MARTIN of New York.

H.R. 4940: Mr. WOLPE, Mr. DE LUGO, Mr. EVANS, Mr. COLEMAN of Texas, Mr. CAMPBELL, Mr. ATKINS, Mr. BATES, Mr. MOAKLEY, and Mr. MARTINEZ.

H.R. 5010: Mr. MOLLOHAN.

H.R. 5020: Mr. FIELDS, Mr. SLAUGHTER of Virginia, Mr. MICHEL, Mr. ORTIZ, and Mr. EDWARDS of Oklahoma.

H.R. 5050: Mr. ROSE, Mr. GRAY of Illinois, Mr. GEJDENSON, Mr. DYSON, Mr. JONES of North Carolina, Mr. DIXON, and Mr. SAVAGE.

H.R. 5073: Mr. KOLTER.

H.R. 5084: Mrs. BENTLEY, Mr. LIGHTFOOT, Mr. HUGHES, Mr. EVANS, and Mr. LAGOMARSINO.

H.J. Res. 330: Mr. FASCELL and Mr. PRICE of North Carolina.

H.J. Res. 438: Mr. WAXMAN.

H.J. Res. 450: Mr. DURBIN, Mr. FASCELL, Mr. NELSON of Florida, Mr. WEISS, Mr. JOHNSON of South Dakota, Mr. BENNETT, and Mr. YOUNG of Florida.

H.J. Res. 478: Mr. CHAPPELL, Mr. CRANE, Mr. SHARP, Mr. GORDON, Mr. HAMILTON, and Mr. HUTTO.

H.J. Res. 501: Mr. TALLON, Mr. TAUKE, Mr. GRANT, Mrs. SAIKI, Mr. BONIOR of Michigan, Mr. STOKES, Mr. RINALDO, Mr. DURBIN, Mr. ORTIZ, Ms. OAKAR, Mr. NIELSON of Utah, Mr. DIXON, Mr. WILSON, Mr. WAXMAN, Mr. WALGREN, Mr. HAMILTON, Mr. WELDON, Mr. FAZIO, and Mr. HAYES of Louisiana.

H.J. Res. 540: Mr. TAUKE, Mr. APPLEGATE, Mr. GALLEGLY, Mr. TRAFICANT, Mr. MICA, and Mr. DERRICK.

H.J. Res. 565: Mr. DORNAN of California, Mr. DURBIN, Mr. WORTLEY, Mr. BONIOR of Michigan, Mr. FRENZEL, Mr. PARRIS, Mr. LEVINE of California, Mr. DYMALLY, Mr. DWYER of New Jersey, Mr. JACOBS, Mr. ANDERSON, and Mr. WATKINS.

H.J. Res. 570: Mr. MINETA, Mr. YOUNG of Florida, Mr. DIXON, Mr. HOYER, Mr. GEPHARDT, Mr. GARCIA, Mr. COBLE, Mr. DINGELL, Mr. EVANS, Mr. GRAY of Pennsylvania, Mr. GRAY of Illinois, Mr. GRANT, and Mr. HOCHBRUECKNER.

H.J. Res. 574: Mr. HUGHES, Ms. SNOWE, Mr. LANCASTER, Mr. LEVIN of Michigan, and Mr. SPRATT.

H.J. Res. 592: Mr. MCCOLLUM, Mr. KANJORSKI, Mr. TALLON, Mr. PARRIS, Mr. ROBERTS, Mr. PRICE, of North Carolina, Mr. PORTER, Mr. BENNETT, Mr. FLORIO, Mr. YOUNG of Florida, Mr. WOLF, Mr. FAUNTROY, Mr. BILBRAY, Mr. BOUCHER, Mr. BUECHNER, Mr. COLEMAN of Texas, Mr. DIXON, Mr. DYSON, Mr. GALLO, Mr. DAVIS of Michigan, Mr. DORGAN of North Dakota, Mr. DICKS, Mr. CARPER, Mr. GEPHARDT, Mr. EVANS, Mr. MURTHA, Mr. HASTERT, Mr. FORD of Tennessee, and Mr. ARCHER.

H.J. Res. 602: Mr. LEVINE of California, Mr. FAZIO, Mrs. BOXER, Mr. SIKORSKI, Mr. TORRES, Mr. FAWELL, Mr. HORTON, Mr. BONIOR of Michigan, Mrs. MARTIN of Illinois, Mr. HUGHES, Mr. WAXMAN, Mr. BOUCHER, and Mr. INHOFE.

H.J. Res. 603: Mr. YATES, Mr. COELHO, Mr. AKAKA, Ms. SLAUGHTER of New York, Mr. KENNEDY, Mr. SPRATT, Mr. SAWYER, Mr. KASICH, Mr. EVANS, Mr. WHITTEN, Mr. GRANT, Mr. ROE, and Mr. PRICE of North Carolina.

H.J. Res. 614: Mr. GINGRICH.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5031: Mr. DYMALLY.